

STATE OF NEW YORK

9640

IN SENATE

May 16, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to requiring disclosure of use of generative artificial intelligence in a civil action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil practice law and rules is amended by adding a new
2 rule 2107 to read as follows:

3 Rule 2107. (a) Certification of filings produced using generative
4 artificial intelligence. Any paper or file served that was drafted with
5 the assistance of generative artificial intelligence must attach to the
6 filing a separate affidavit disclosing such use and certifying that a
7 human being has reviewed the source material and verified that the arti-
8 ficially generated content is accurate.

9 (b) For the purposes of this section, "generative artificial intelli-
10 gence" shall mean the use of machine learning technology, software,
11 automation, and algorithms to perform tasks, to make rules and/or
12 predictions based on existing data sets and instructions, including, but
13 not limited to:

14 1. any artificial system that performs tasks under varying and unpre-
15 dictable circumstances without significant human oversight, or that can
16 learn from experience and improve performance when exposed to data sets;

17 2. an artificial system developed in computer software, physical hard-
18 ware, or other context that solves tasks requiring human-like percep-
19 tion, cognition, planning, learning, communication, or physical action;

20 3. an artificial system designed to think or act like a human, includ-
21 ing cognitive architectures and neural networks;

22 4. a set of techniques, including machine learning, that is designed
23 to approximate a cognitive task; and/or

24 5. an artificial system designed to act rationally, including an
25 intelligent software agent or embodied robot that achieves goals using
26 perception, planning, reasoning, learning, communicating, decision
27 making, and acting.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (c) Where no generative artificial intelligence was used in the draft-
2 ing of a paper or file, no disclosure is required under this rule.

3 § 2. Paragraphs 4 and 5 of subdivision (a) of rule 5528 of the civil
4 practice law and rules, paragraph 5 as amended by chapter 730 of the
5 laws of 1963, are amended and a new paragraph 6 is added to read as
6 follows:

7 4. the argument for the appellant, which shall be divided into points
8 by appropriate headings distinctively printed; [~~and~~]

9 5. an appendix, which may be bound separately, containing only such
10 parts of the record on appeal as are necessary to consider the questions
11 involved, including those parts the appellant reasonably assumes will be
12 relied upon by the respondent; provided, however, that the appellate
13 division in each department may by rule applicable in the department
14 authorize an appellant at [~~his~~] the appellant's election to proceed upon
15 a record on appeal printed or reproduced in like manner as an appendix,
16 and in the event of such election an appendix shall not be required[~~;~~];
17 and

18 6. if required by rule 2107, a disclosure of the use of generative
19 artificial intelligence in the drafting of the brief and certification
20 that the content therein was reviewed and verified by a human.

21 § 3. This act shall take effect on the ninetieth day after it shall
22 have become a law.