STATE OF NEW YORK

5772

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to an affirmation by any person, wherever made, in a civil action

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

Section 1. Rule 2106 of the civil practice law and rules, as amended by chapter 380 of the laws of 2014, is amended to read as follows:

Rule 2106. Affirmation of truth of statement. [~~(a) The statement of an attorney admitted to practice in the courts of the state, or of a physician, osteopath or dentist, authorized by law to practice in the state, who is not a party to an action, when subscribed and affirmed by him to be true under the penalties of perjury, may be served or filed in the action in lieu of and with the same force and effect as an affidavit.~~

~~(b)~~] The statement of any person[~~, when that person is physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States~~] **wherever made**, subscribed and affirmed by that person to be true under the penalties of perjury, may be used in an action **in New York** in lieu of and with the same force and effect as an affidavit. Such affirmation shall be in substantially the following form:

I affirm this ___ day of _____, ____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that [~~I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that~~] the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(Signature)

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law and shall apply to all actions commenced on or after such effective date and all actions pending on such effective date.

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

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