

STATE OF NEW YORK

2604--A

Cal. No. 940

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil practice law and rules, in relation to certain judgments by confession

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

1 Section 1. Subdivision (a) of section 3218 of the civil practice law
2 and rules, as amended by chapter 311 of the laws of 1963, paragraph 1 as
3 amended by chapter 831 of the laws of 2021, is amended to read as
4 follows:

5 (a) Affidavit of defendant. Except as provided in section thirty-two
6 hundred one of this article and subdivision (e) of this section, a judg-
7 ment by confession may be entered, without an action, either for money
8 due or to become due, or to secure the plaintiff against a contingent
9 liability [~~in~~] on behalf of the defendant, or both, upon an affidavit
10 executed by the defendant[+].

11 1. stating the sum for which judgment may be entered, authorizing the
12 entry of judgment, and stating the county where the defendant resides
13 [~~and, if applicable, stating that the interest rate for consumer debt~~
14 ~~pursuant to section five thousand four of this chapter applies~~];

15 2. if the judgment to be confessed is for money due or to become due,
16 stating concisely the facts out of which the debt arose and showing that
17 the sum confessed is justly due or to become due; and

18 3. if the judgment to be confessed is for the purpose of securing the
19 plaintiff against a contingent liability, stating concisely the facts
20 constituting the liability and showing that the sum confessed does not
21 exceed the amount of the liability.

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

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1 § 2. Section 3218 of the civil practice law and rules is amended by
2 adding a new subdivision (e) to read as follows:

3 (e) Prohibition on certain judgments by confession. No judgment by
4 confession may be entered on:

5 1. any amount due from one or more individuals for personal, family,
6 household, consumer, or other non-business purposes; or

7 2. any amount due on a debt incurred by any person for any purpose if
8 the principal amount of such debt was less than five million dollars at
9 the time the debt was incurred.

10 § 3. This act shall take effect immediately and apply to judgments by
11 confession entered upon affidavits filed on or after such effective
12 date.