STATE OF NEW YORK

9390

IN SENATE

March 6, 2026

Introduced by Sens. CANZONERI-FITZPATRICK, PALUMBO, HELMING, MARTINS, MATTERA, MURRAY, RHOADS, ROLISON, WEBER -- 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, the criminal procedure law and the family court act, in relation to the rules of evidence and artificial intelligence

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

Section 1. The civil practice law and rules is amended by adding a new rule 4540-b to read as follows:

Rule 4540-b. Rules of evidence; admissibility of evidence alleged to be fabricated by generative artificial intelligence. (a) In any civil judicial proceeding, where evidence is offered and a party contends that such evidence has been fabricated, in whole or in part, by means of generative artificial intelligence, the court shall not, on that ground alone, conduct an inquiry into such alleged fabrication unless the party so contending makes a showing sufficient to support a reasonable inference that the evidence may not be authentic.

(b) If the court determines that the party has made the showing required by subdivision (a) of this section, the evidence is admissible only upon a finding by the court that the party offering such evidence has established, by a preponderance of the evidence, that the evidence is authentic and relevant.

(c) The provisions of this section apply to all evidence offered in a civil practice proceeding that is subject to authentication under law, including evidence that would otherwise be deemed self-authenticating.

§ 2. The criminal procedure law is amended by adding a new section 60.80 to read as follows:

§ 60.80 Rules of evidence; admissibility of evidence alleged to be fabricated by generative artificial intelligence.

1. In any criminal proceeding, where evidence is offered and a party contends that such evidence has been fabricated, in whole or in part, by means of generative artificial intelligence, the court shall not, on

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

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that ground alone, conduct an inquiry into such alleged fabrication unless the party so contending makes a showing sufficient to support a reasonable inference that the evidence may not be authentic.

2. If the court determines that the party has made the showing required by subdivision one of this section, the evidence is admissible only upon a finding by the court that the party offering such evidence has established, by a preponderance of the evidence, that the evidence is authentic and relevant.

3. The provisions of this section apply to all evidence offered in a criminal proceeding that is subject to authentication under law, including evidence that would otherwise be deemed self-authenticating.

§ 3. The family court act is amended by adding a new section 164-a to read as follows:

§ 164-a. Rules of evidence; admissibility of evidence alleged to be fabricated by generative artificial intelligence. (a) In any proceeding under this act, where evidence is offered and a party contends that such evidence has been fabricated, in whole or in part, by means of generative artificial intelligence, the court shall not, on that ground alone, conduct an inquiry into such alleged fabrication unless the party so contending makes a showing sufficient to support a reasonable inference that the evidence may not be authentic.

(b) If the court determines that the party has made the showing required by subdivision (a) of this section, the evidence is admissible only upon a finding by the court that the party offering such evidence has established, by a preponderance of the evidence, that the evidence is authentic and relevant.

(c) The provisions of this section apply to all evidence offered in any proceeding under this act that is subject to authentication under law, including evidence that would otherwise be deemed self-authenticating.

§ 4. This act shall take effect immediately.