

STATE OF NEW YORK

11389

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) --
(at request of the Unified Court System) -- read once and referred to
the Committee on Judiciary

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to electronic filing for the court of appeals

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 section 2113 to read as follows:

3 § 2113. Filing of papers in the court of appeals by electronic means.
4 Notwithstanding any other provision of law, and except as otherwise
5 provided in subdivision (c) of section twenty-one hundred eleven of this
6 article, the court of appeals may promulgate rules authorizing the use
7 of electronic means for: (i) the filing and service of briefs in such
8 court, (ii) the filing and service of motions to such court, including
9 for permission to appeal to such court, (iii) seeking review of a deter-
10 mination of the state commission on judicial conduct pursuant to section
11 forty-four of the judiciary law, (iv) the certification and consider-
12 ation of questions from the Supreme Court of the United States, a court
13 of appeals of the United States or an appellate court of last resort of
14 another state, and (v) the filing and service of papers in pending
15 matters. Such rules shall not require an unrepresented party or any
16 attorney who furnishes a certificate specified in subparagraph (A) or
17 (B) of paragraph three of subdivision (b) of section twenty-one hundred
18 eleven of this article to participate in the use of electronic means as
19 described in this section. Before promulgating any such rules, the court
20 of appeals shall provide an opportunity for review and comment by all
21 those who are or would be affected by such rules, including bar associ-
22 ations; institutional legal service providers; not-for-profit legal
23 service providers; attorneys assigned pursuant to article eighteen-B of
24 the county law; unaffiliated attorneys who regularly appear in
25 proceedings that are or have been affected by electronic filing programs
26 that have been implemented or who may be affected by promulgation of
27 rules concerning the use of electronic filing in the court of appeals;

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

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1 and any other persons for whom such notice is deemed to be appropriate
2 by the court of appeals. For purposes of this section, the term "elec-
3 tronic means" shall have the meaning ascribed to it in paragraph two of
4 subdivision (f) of rule twenty-one hundred three of this chapter.

5 § 2. The criminal procedure law is amended by adding a new section
6 460.91 to read as follows:

7 § 460.91 Filing of papers on appeal to the court of appeals by electron-
8 ic means.

9 Notwithstanding any other provision of law, the court of appeals may
10 promulgate rules authorizing a program in the use of electronic means
11 for filing and serving briefs and applications for certificates granting
12 leave to appeal in accordance with the provisions of section two thou-
13 sand one hundred thirteen of the civil practice law and rules. Such
14 rules shall not require an unrepresented party or any attorney who
15 furnishes a certification specified in subparagraph (i) or (ii) of para-
16 graph (c) of subdivision two of section 10.40 of this chapter to take or
17 perfect an appeal by electronic means. Before promulgating any such
18 rules, the court of appeals shall provide an opportunity for review and
19 comment by all those who are or would be affected by such rules, includ-
20 ing district attorneys; representatives of the office of indigent legal
21 services; not-for-profit legal service providers; public defenders;
22 statewide and local specialty bar associations whose membership devotes
23 a significant portion of their practice to assigned criminal cases
24 pursuant to subparagraph (i) of paragraph (a) of subdivision three of
25 section seven hundred twenty-two of the county law; institutional
26 providers of criminal defense services and other members of the criminal
27 defense bar; representatives of victims' rights organizations; unaffil-
28 iated attorneys who regularly appear in proceedings that are or would be
29 affected by such electronic filing rules; interested members of the
30 criminal justice community; and any other persons for whom such notice
31 is deemed to be appropriate by the court of appeals. For purposes of
32 this section, the term "electronic means" shall have the meaning
33 ascribed to it in paragraph two of subdivision (f) of rule twenty-one
34 hundred three of the civil practice law and rules.

35 § 3. This act shall take effect on the first of July next succeeding
36 the date on which it shall have become a law. Effective immediately, the
37 addition, amendment and/or repeal of any rule or regulation necessary
38 for the implementation of this act on its effective date are authorized
39 to be made and completed on or before such effective date.