STATE OF NEW YORK

9097

2025-2026 Regular Sessions

IN ASSEMBLY

September 12, 2025

Introduced by M. of A. K. BROWN -- 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 requiring disclosure of use of generative 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 2107 to read as follows:

Rule 2107. Use of generative artificial intelligence. (a) For the purposes of this section:

1. "generative artificial intelligence" shall mean the use of machine learning technology, software, automation, and algorithms to perform tasks, to make rules and/or predictions based on existing data sets and instructions, including, but not limited to:

(A) any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets;

(B) an artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action;

(C) an artificial system designed to think or act like a human, including cognitive architectures and neural networks;

(D) a set of techniques, including machine learning, that is designed to approximate a cognitive task; and/or

(E) an artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting.

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

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2. "drafting" shall mean the substantive process of creating a paper or file which shall include, but not be limited to, conducting research, performing document review, and/or creating a paper or file.

(b) Each court shall inform all counsel and pro se litigants that of the dangers of using generative artificial intelligence in performing legal research, document review, and document creation and inform such persons of the requirements of this rule.

(c) No paper or file shall be drafted with the use of generative artificial intelligence without the informed consent of the client after being warned of the dangers of using generative artificial intelligence in performing legal research, document review, and document creation.

(d) Any paper or file drafted with the assistance of generative artificial intelligence must attach to the filing a separate affidavit disclosing such use and certifying that a human being has reviewed the source material and verified that the artificially generated content is accurate including, but not limited to, any case citations.

(e) Any paper or file drafted without the assistance of generative artificial intelligence must attach to the filing a separate affidavit stating such.

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

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

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

6. if required by rule twenty-one hundred seven, a disclosure of the use of generative artificial intelligence in the drafting of the brief and certification that the content therein was reviewed and verified by a human being.

§ 3. The criminal procedure law is amended by adding a new section 10.50 to read as follows:

§ 10.50 Use of generative artificial intelligence.

1. For the purposes of this section:

(a) "generative artificial intelligence" shall mean the use of machine learning technology, software, automation, and algorithms to perform tasks, to make rules and/or predictions based on existing data sets and instructions, including, but not limited to:

(i) any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets;

(ii) an artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action;

(iii) an artificial system designed to think or act like a human, including cognitive architectures and neural networks;

(iv) a set of techniques, including machine learning, that is designed to approximate a cognitive task; and/or

(v) an artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting.

(b) "drafting" shall mean the substantive process of creating a paper or file which shall include, but not be limited to, conducting research, performing document review, and/or creating a paper or file.

2. Each court shall inform all counsel and pro se defendants that of the dangers of using generative artificial intelligence in performing legal research, document review, and document creation and inform such persons of the requirements of this section.

3. No paper or file shall be drafted with the use of generative artificial intelligence without the informed consent of the defendant after being warned of the dangers of using generative artificial intelligence in performing legal research, document review, and document creation.

4. Any paper or file drafted with the assistance of generative artificial intelligence must attach to the filing a separate affidavit disclosing such use and certifying that a human being has reviewed the source material and verified that the artificially generated content is accurate including, but not limited to, any case citations.

5. Any paper or file drafted without the assistance of generative artificial intelligence must attach to the filing a separate affidavit stating such.

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