

STATE OF NEW YORK

9186

2025-2026 Regular Sessions

IN ASSEMBLY

November 3, 2025

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

AN ACT to amend the civil practice law and rules, in relation to the admissibility of evidence of a victim's sexual conduct, sexual predisposition, or manner of dress

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 4552 to read as follows:

3 § 4552. Admissibility of evidence of victim's sexual conduct, sexual
4 predisposition, or manner of dress. 1. For purposes of this section,
5 "sexual conduct" shall include:

6 (a) any conduct or behavior relating to sexual activities of the
7 victim, including but not limited to previous or subsequent experience
8 of sexual penetration or sexual contact, use of contraceptives, living
9 arrangement and lifestyle; or

10 (b) the sexual predisposition of the victim; or

11 (c) the manner of dress of the victim.

12 2. The following evidence shall not be discoverable or admissible in a
13 civil action or proceeding:

14 (a) Evidence of the victim's or alleged victim's previous sexual
15 conduct shall not be discoverable or admitted, nor reference made to it
16 in the presence of a jury, except as provided in this section. When a
17 defendant seeks to discover or admit such evidence for any purpose, the
18 defendant shall apply for an order of the court. After the motion is
19 made, the court shall conduct a hearing to determine the discoverability
20 or admissibility of such evidence. Upon the hearing and determination of
21 such a motion, there shall be a presumption that any such reference to a
22 victim's sexual conduct is both inadmissible as evidence and not subject
23 to disclosure. If the court finds that evidence offered by the defendant
24 regarding the sexual conduct of the victim or alleged victim is relevant

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

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1 and that its probative value substantially outweighs the danger of harm,
2 shame or embarrassment to any victim or alleged victim; and the proba-
3 tive value of the evidence offered is not outweighed by its collateral
4 nature or by the probability that its admission will create undue preju-
5 dice, confusion of the issues, or unwarranted invasion of the privacy of
6 the victim or alleged victim, or lead to harm, shame or embarrassment on
7 the part of the victim or alleged victim; the court shall enter an order
8 setting forth with specificity what evidence may be discovered or intro-
9 duced and the nature of the questions which shall be permitted, and the
10 reasons why the court finds that such evidence satisfies the standards
11 contained in this section. The defendant may then discover or offer
12 evidence under the order of the court;

13 (b) Unless the court orders otherwise, the motion, related materials,
14 and the record of the hearing under paragraph (a) of this subdivision
15 shall be and remain sealed;

16 (c) Evidence of the victim's or alleged victim's previous sexual
17 conduct shall not be discoverable or considered relevant unless it is
18 material to proving that the source of semen, pregnancy or disease is a
19 person other than the defendant or the alleged perpetrator;

20 (d) Evidence of the manner in which the victim or alleged victim was
21 dressed at the time of the commission of a sexual offense or sexual
22 misconduct shall not be admitted, unless such evidence is determined by
23 the court to be relevant and admissible in the interests of justice,
24 after an offer of proof by the proponent of such evidence outside the
25 hearing of the jury, or such hearing as the court may require, and a
26 statement by the court of its findings of fact essential to its determi-
27 nation; and

28 (e) The court may admit evidence of a victim's or alleged victim's
29 reputation only if such victim or alleged victim has placed it in
30 controversy.

31 § 2. This act shall take effect immediately.