STATE OF NEW YORK

10741

IN SENATE

November 16, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, in relation to prohibiting judges from using fabricated legal authority in adjudicative writings

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

Section 1. Short title. This act shall be known and may be cited as the "judicial artificial intelligence accountability and integrity act".

§ 2. The judiciary law is amended by adding a new section 44-a to read as follows:

§ 44-a. Fabricated legal authority in adjudicative writings. 1. For purposes of this section:

(a) "Fabricated legal authority" means a purported constitution, statute, regulation, judicial or administrative decision, quotation, holding, citation, docket number, or other source of law that does not exist, or whose existence, text, holding, quotation, court, precedential status, or subsequent history is materially and falsely represented.

(b) "Adjudicative writing" means an opinion, order, decision, judgment, memorandum, written ruling, or other document issued or adopted by a judge or justice in the exercise of judicial duties.

(c) "Material" means reasonably capable of affecting the legal analysis, disposition of a matter, or substantial rights of a party.

(d) "Knowingly" shall have the same meaning as in section 15.05 of the penal law.

(e) "Recklessly" shall have the same meaning as in section 15.05 of the penal law.

2. A judge or justice who knowingly or recklessly includes, relies upon, or adopts material fabricated legal authority in an adjudicative writing shall be deemed to have engaged in misconduct in office and conduct prejudicial to the administration of justice.

3. The use of artificial intelligence, standing alone, shall not constitute misconduct.

4. No finding of misconduct shall be based solely upon:

(a) a good-faith interpretation of unsettled law;

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

LBD16498-01-6

(b) an immaterial typographical, citation-format, or clerical error;
(c) later reversal or alteration of an authority without substantial adverse consequence; or
(d) an inadvertent and immaterial error promptly corrected without substantial adverse consequence.
5. In determining culpability and sanctions, the commission shall consider:
(a) the number and materiality of fabricated legal authorities;
(b) whether the error affected a party or the disposition;
(c) the verification procedures used;
(d) prior notice or training concerning risks of using artificial intelligence in research or adjudicative writing;
(e) whether the conduct was repeated; and
(f) whether the judge promptly corrected the error.
6. When the commission issues a public determination finding misconduct under this section, the commission may issue sanctions pursuant to section twenty-two of article six of the state constitution or may transmit its determination to the speaker of the assembly as a referral for consideration of impeachment pursuant to section twenty-four of article six of the state constitution.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply only to conduct occurring on or after such effective date.