

5807--B

2009-2010 Regular Sessions

I N   S E N A T E

June 5, 2009

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Introduced by Sens. SAMPSON, BONACIC, BRESLIN, DIAZ, FARLEY, GRIFFO, KLEIN, LARKIN, MAZIARZ, McDONALD, ONORATO, SAVINO, SCHNEIDERMAN, STACHOWSKI, VALESKY, WINNER, YOUNG -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform city court act and the judiciary law, in relation to judges of city courts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph 1 of subdivision (b) of section 2104 of the  
2     uniform city court act, as amended by chapter 493 of the laws of 2006,  
3     is amended to read as follows:  
4     (1) be an attorney admitted to practice law in this state for at least  
5     five years as of the date he or she commences the duties of office, and  
6     be a resident of the city in which he or she is elected or appointed,  
7     except that the judges of the Sherrill city court may reside anywhere in  
8     either Oneida or Madison counties, the city court judge who serves in  
9     the office that formerly was that of acting judge of the Oneida city  
10    court may reside anywhere in Madison county, the judges of the Peekskill  
11    city court may reside anywhere in Westchester county, the city court  
12    judge who serves in the office that formerly was that of acting judge of  
13    the Port Jervis city court may reside anywhere in either Sullivan or  
14    Orange counties, the judges of the Hudson city court may reside anywhere  
15    in Columbia county, the city court judge who serves in the office that  
16    formerly was that of acting judge of the Mechanicville city court may  
17    reside anywhere in Saratoga county, the judges of the Ogdensburg city

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

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1 court may reside anywhere in St. Lawrence county, the judges of the  
2 Rensselaer city court may reside anywhere in Rensselaer county and one  
3 judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN  
4 THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY  
5 COURT may reside anywhere in Albany county.

6 S 2. Subdivision (d) of section 2104 of the uniform city court act, as  
7 amended by chapter 493 of the laws of 2006, is amended to read as  
8 follows:

9 (d) The number of judges of the city court in each city shall be as  
10 provided herein. Full-time judgeships are specifically so designated,  
11 all others are part-time:

12 Par. Name of city

13	1	Albany, [four] FIVE full-time [and one part-time];
14	2	Amsterdam, one full-time and one part-time;
15	3	Auburn, one full-time and one part-time;
16	4	Batavia, one full-time and one part-time;
17	5	Beacon, one full-time and one part-time;
18	6	Binghamton, two full-time and one part-time;
19	7	Buffalo, [thirteen] FOURTEEN full-time;
20	8	Canandaigua, one full-time and one part-time;
21	9	Cohoes, two;
22	10	Corning, one full-time and one part-time;
23	11	Cortland, one full-time and one part-time;
24	12	Dunkirk, one full-time and one part-time;
25	13	Elmira, two full-time;
26	14	Fulton, one full-time and one part-time;
27	15	Geneva, three;
28	16	Glen Cove, two;
29	17	Glens Falls, one full-time and one part-time;
30	18	Gloversville, one full-time and one part-time;
31	19	Hornell, two;
32	20	Hudson, two;
33	21	Ithaca, [one] TWO full-time [and one part-time];
34	22	Jamestown, [one] TWO full-time [and one part-time];
35	23	Johnstown, two;
36	24	Kingston, one full-time and one part-time;
37	25	Lackawanna, one full-time and one part-time;
38	26	Little Falls, two;
39	27	Lockport, [one] TWO full-time [and one part-time];
40	28	Long Beach, two full-time;
41	29	Mechanicville, two;
42	30	Middletown, [one] TWO full-time [and one part-time];
43	31	Mount Vernon, three full-time and one part-time;
44	32	Newburgh, [two] THREE full-time;
45	33	New Rochelle, [two] THREE full-time [and one part-time];
46	34	Niagara Falls, four full-time;
47	35	North Tonawanda, one full-time and one part-time;
48	36	Norwich, [two] ONE FULL-TIME AND ONE PART-TIME;
49	37	Ogdensburg, one full-time and one part-time;
50	38	Olean, one full-time and one part-time;
51	39	Oneida, [two] ONE FULL-TIME AND ONE PART-TIME;
52	40	Oneonta, two;
53	41	Oswego, one full-time and one part-time;
54	42	Peekskill, one full-time and one part-time;
55	43	Plattsburgh, one full-time and one part-time;
56	44	Port Jervis, two;

1 45 Poughkeepsie, two full-time;  
2 46 Rensselaer, two;  
3 47 Rochester, nine full-time;  
4 48 Rome, [one] TWO full-time [and one part-time];  
5 49 Rye, one full-time and one part-time;  
6 50 Salamanca, two;  
7 51 Saratoga Springs, [one] TWO full-time [and one part-time];  
8 52 Schenectady, three full-time;  
9 53 Sherrill, one;  
10 54 Syracuse, eight full-time;  
11 55 Tonawanda, one full-time and one part-time;  
12 56 Troy, [one] TWO full-time and one part-time;  
13 57 Utica, three full-time;  
14 58 Watertown, one full-time and one part-time;  
15 59 Watervliet, two;  
16 60 White Plains, [three] FOUR full-time [and one part-time];  
17 61 Yonkers, [six] SEVEN full-time.

18 S 3. Subparagraph (i) of paragraph 1 of subdivision (e) of section  
19 2104 of the uniform city court act, as amended by chapter 493 of the  
20 laws of 2006, is amended to read as follows:

21 (i) by the mayor of the city for which the court on which he or she  
22 will serve has been established, with the advice and consent of the city  
23 council: part-time city court judge of Beacon, part-time city court  
24 judge of Corning, part-time city court judge of Cortland, part-time city  
25 court judge of Gloversville, city court judge of Glen Cove who serves in  
26 the office that on June first, two thousand one was an appointive office  
27 pursuant to this subparagraph, [part-time city court judge of Ithaca,  
28 part-time] city court judge of Jamestown WHO SERVES IN THE OFFICE THAT  
29 ON JANUARY FIRST, TWO THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO  
30 THIS SUBPARAGRAPH, part-time city court judge of Olean, city court judg-  
31 es of Plattsburgh, city court judge of Port Jervis who serves in the  
32 office that formerly was that of acting city court judge of Port Jervis,  
33 city court judges of Rye, city court judge of Salamanca who serves in  
34 the office that formerly was that of acting city court judge of Salaman-  
35 ca and the part-time city court judge of Watertown.

36 S 4. The opening paragraph of subparagraph (iii) of paragraph 1 of  
37 subdivision (e) of section 2104 of the uniform city court act, as  
38 amended by chapter 493 of the laws of 2006, is amended to read as  
39 follows:

40 by the mayor of the city for which the court on which he or she will  
41 serve has been established: part-time city court judge of Binghamton,  
42 city court judges of Cohoes, part-time city court judge of Dunkirk,  
43 part-time city court judge of Fulton, city court judge of Geneva who  
44 serves in the office that formerly was that of acting city court judge  
45 of Geneva, city court judge of Hornell who serves in the office that  
46 formerly was that of acting city court judge of Hornell, city court  
47 judge of Hudson who serves in the office that formerly was that of  
48 acting city court judge of Hudson, part-time city court judge of King-  
49 ston, part-time city court judge of Lackawanna, city court judge of  
50 Little Falls who serves in the office that formerly was that of acting  
51 CITY court judge of Little Falls, [part-time city court judge of Lock-  
52 port,] city court judge of Mechanicville who serves in the office that  
53 formerly was that of acting city court judge of Mechanicville, [part-  
54 time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT ON  
55 JANUARY FIRST, TWO THOUSAND TEN WAS PART-TIME, part-time city court  
56 judge of Mount Vernon, [part-time] city court [judge] JUDGES of New

1 Rochelle [and full-time city court judge of such city who serves in the  
 2 office created during the calendar year commencing January first, two  
 3 thousand one] WHO SERVE IN OFFICES THAT ON JANUARY FIRST, TWO THOUSAND  
 4 TEN WERE APPOINTIVE OFFICES PURSUANT TO THIS SUBPARAGRAPH, part-time  
 5 city court judge of North Tonawanda, part-time city court judge of  
 6 Ogdensburg, city court judge of Oneida who serves in the office that  
 7 [formerly was that of acting city court judge of Oneida] ON JANUARY  
 8 FIRST, TWO THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS  
 9 SUBPARAGRAPH, city court judge of Oneonta who serves in the office that  
 10 formerly was that of acting city court judge of Oneonta, part-time city  
 11 court judge of Oswego, city court judges of Poughkeepsie, city court  
 12 judge of Rensselaer who serves in the office that formerly was that of  
 13 acting city court judge of Rensselaer, [part-time] city court judge of  
 14 Saratoga Springs WHO SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO  
 15 THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH,  
 16 part-time city court judge of Tonawanda and city court judge of Waterv-  
 17 liet who serves in the office that formerly was that of acting city  
 18 court judge of Watervliet. Provided, however, the following special  
 19 provisions shall be applicable in the city of Poughkeepsie:

20 S 5. Section 221-i of the judiciary law, as amended by chapter 493 of  
 21 the laws of 2006, is amended to read as follows:

22 S 221-i. Salary of judges of the city courts outside the city of New  
 23 York. The annual salary of each judge of a city court outside the city  
 24 of New York shall be as follows (where this section provides different  
 25 salaries for judicial positions on the same court having the same title,  
 26 the greater salary shall be paid the person holding the position paid  
 27 the greater salary on the day immediately preceding the day on which  
 28 such salaries took effect):

29 City	Title	
30 Albany	City Court Judge (FT)	113,900
31 [Albany	City Court Judge	54,400]
32 Amsterdam	City Court Judge (FT)	108,800
33 Amsterdam	City Court Judge	27,200
34 Auburn	City Court Judge (FT)	108,800
35 Auburn	City Court Judge	27,200
36 Batavia	City Court Judge (FT)	108,800
37 Batavia	City Court Judge	27,200
38 Beacon	City Court Judge (FT)	108,800
39 Beacon	City Court Judge	27,200
40 Binghamton	City Court Judge (FT)	108,800
41 Binghamton	City Court Judge	54,400
42 Buffalo	Chief Judge (FT)	115,100
43 Buffalo	City Court Judge (FT)	113,900
44 Canandaigua	City Court Judge (FT)	108,800
45 Canandaigua	City Court Judge	27,200
46 Cohoes	City Court Judge	54,400
47 Corning	City Court Judge (FT)	108,800
48 Corning	City Court Judge	27,200
49 Cortland	City Court Judge (FT)	108,800
50 Cortland	City Court Judge	[27,200] 54,400
51 Dunkirk	City Court Judge (FT)	108,800
52 Dunkirk	City Court Judge	27,200
53 Elmira	City Court Judge (FT)	108,800
54 Fulton	City Court Judge (FT)	108,800

1	Fulton	City Court Judge	27,200	
2	Geneva	City Court Judge	54,400	
3	Geneva	City Court Judge	27,200	
4	Glen Cove	City Court Judge	54,400	
5	Gloversville	City Court Judge (FT)	108,800	
6	Gloversville	City Court Judge	27,200	
7	Glens Falls	City Court Judge (FT)	108,800	
8	Glens Falls	City Court Judge	27,200	
9	Hornell	City Court Judge	54,400	
10	Hornell	City Court Judge	27,200	
11	Hudson	City Court Judge	54,400	
12	Hudson	City Court Judge	27,200	
13	Ithaca	City Court Judge (FT)	108,800	
14	[Ithaca	City Court Judge	54,400]	
15	Jamestown	City Court Judge (FT)	108,800	
16	[Jamestown	City Court Judge	54,400]	
17	Johnstown	City Court Judge	54,400	
18	Johnstown	City Court Judge	27,200	
19	Kingston	City Court Judge (FT)	108,800	
20	Kingston	City Court Judge	54,400	
21	Lackawanna	City Court Judge (FT)	108,800	
22	Lackawanna	City Court Judge	54,400	
23	Lockport	City Court Judge (FT)	108,800	
24	[Lockport	City Court Judge	54,400]	
25	Long Beach	City Court Judge (FT)	118,300	
26	Little Falls	City Court Judge	27,200	
27	Mechanicville	City Court Judge	27,200	
28	Middletown	City Court Judge (FT)	108,800	
29	[Middletown	City Court Judge	54,400]	
30	Mount Vernon	City Court Judge (FT)	118,300	
31	Mount Vernon	City Court Judge	54,400	
32	Newburgh	City Court Judge (FT)	108,800	
33	Niagara Falls	Chief Judge (FT)	115,100	
34	Niagara Falls	City Court Judge (FT)	113,900	
35	Norwich	City Court Judge (FT)	[54,400]	108,800
36	Norwich	City Court Judge	27,200	
37	New Rochelle	City Court Judge (FT)	118,300	
38	[New Rochelle	City Court Judge	54,400]	
39	North Tonawanda	City Court Judge (FT)	108,800	
40	North Tonawanda	City Court Judge	54,400	
41	Ogdensburg	City Court Judge (FT)	108,800	
42	Ogdensburg	City Court Judge	27,200	
43	Olean	City Court Judge (FT)	108,800	
44	Olean	City Court Judge	27,200	
45	Oneida	City Court Judge (FT)	[54,400]	108,800
46	Oneida	City Court Judge	27,200	
47	Oneonta	City Court Judge	54,400	
48	Oneonta	City Court Judge	27,200	
49	Oswego	City Court Judge (FT)	108,800	
50	Oswego	City Court Judge	27,200	
51	Peekskill	City Court Judge (FT)	108,800	
52	Peekskill	City Court Judge	54,400	
53	Poughkeepsie	City Court Judge (FT)	108,800	
54	Plattsburgh	City Court Judge (FT)	108,800	
55	Plattsburgh	City Court Judge	27,200	
56	Port Jervis	City Court Judge	54,400	

1	[Port Jervis	City Court Judge	27,200]
2	Rensselaer	City Court Judge	54,400
3	Rensselaer	City Court Judge	27,200
4	Rochester	Chief Judge (FT)	115,100
5	Rochester	City Court Judge (FT)	113,900
6	Rome	City Court Judge (FT)	113,900
7	[Rome	City Court Judge	54,400]
8	Rye	City Court Judge (FT)	108,800
9	Rye	City Court Judge	[27,200] 54,400
10	Salamanca	City Court Judge	54,400
11	SALAMANCA	CITY COURT JUDGE	27,200
12	Saratoga Springs	City Court Judge (FT)	108,800
13	[Saratoga Springs	City Court Judge	54,400]
14	Schenectady	City Court Judge (FT)	108,800
15	Sherrill	City Court Judge	27,200
16	Syracuse	Chief Judge (FT)	115,100
17	Syracuse	City Court Judge (FT)	113,900
18	Tonawanda	City Court Judge (FT)	108,800
19	Tonawanda	City Court Judge	54,400
20	Troy	City Court Judge (FT)	113,900
21	Troy	City Court Judge	81,600
22	Utica	Chief Judge (FT)	115,100
23	Utica	City Court Judge (FT)	113,900
24	Watertown	City Court Judge (FT)	108,800
25	Watertown	City Court Judge	27,200
26	Watervliet	City Court Judge	54,400
27	[Watervliet	City Court Judge	27,200]
28	White Plains	City Court Judge (FT)	116,800
29	[White Plains	City Court Judge	54,400]
30	Yonkers	Chief Judge (FT)	119,500
31	Yonkers	City Court Judge (FT)	118,300

32 S 6. Transition. Notwithstanding any other provision of law, for  
 33 purposes of this act:

34 (a) On the effective date of this section:

35 (i) each of the following part-time judgeships shall be abolished and  
 36 replaced by a full-time judgeship: the part-time city court judge of  
 37 Albany, the part-time city court judge of Ithaca, the part-time city  
 38 court judge of Jamestown, the part-time city court judge of Lockport,  
 39 the part-time city judge of Middletown, the part-time city court judge  
 40 of New Rochelle, the part-time city court judge of Norwich whose office  
 41 is paid the greater compensation on such date, the part-time city court  
 42 judge of Oneida whose office is paid the greater compensation on such  
 43 date, the part-time city court judge of Rome, the part-time city court  
 44 judge of Saratoga Springs and the part-time city court judge of White  
 45 Plains. Each person in a judgeship abolished by this subdivision shall  
 46 continue in service in the full-time judgeship that replaces such abol-  
 47 ished judgeship hereunder for the remainder of the term of office to  
 48 which he or she was selected in such abolished judgeship; and

49 (ii) the office of the part-time city court judge of Salamanca senior  
 50 in service on such date shall receive the increase in compensation  
 51 provided in section 221-i of the judiciary law as amended by section  
 52 five of this act.

53 (b) The new offices of full-time city court judge in the cities of  
 54 Buffalo, Newburgh, Troy and Yonkers, respectively, shall first be filled  
 55 by election at the next general election at which they can be filled for  
 56 a full term to commence January first next thereafter.

1 (c) Notwithstanding any other provision of this act, upon the aboli-  
2 tion of the office of part-time city court judge in the city of Lock-  
3 port, pursuant to paragraph (i) of subdivision (a) of this section, the  
4 office of full-time judgeship that replaces such part-time judgeship  
5 shall be elective except that, when such full-time judgeship is first  
6 filled for a full term, on or after the effective date of this section,  
7 it shall be filled by appointment by the mayor of the city of Lockport  
8 for a term that will end on the thirty-first of December next succeeding  
9 ten years from the date such term shall commence; provided, however, if  
10 a vacancy shall occur during such term, the office shall be filled in  
11 the manner provided by subparagraph (i) of paragraph two of subdivision  
12 (e) of section two thousand one hundred four of the uniform city court  
13 act.

14 S 7. (a) In the event that the compensation to be paid a judge of a  
15 city court, as prescribed by this act or any other provision of law, is  
16 lower than the compensation being paid such judge immediately prior to  
17 the effective date of this section, such judge shall, for as long as he  
18 or she holds the office in which he or she is serving on such effective  
19 date, receive such higher compensation (plus any increases thereto as  
20 shall thereafter be provided by law).

21 (b) Notwithstanding any provision of this act, this act shall not  
22 extend or diminish any term of judicial office commenced prior to the  
23 effective date of this section.

24 S 8. This act shall take effect on the first of April next succeeding  
25 the date on which it shall have become a law; provided, however, that no  
26 changes in the number or compensation of judges, as provided in sections  
27 two and five of this act, may take effect in a city in which a full-time  
28 judgeship replaces a part-time judgeship pursuant to this act until  
29 authorized under section six of this act.