

4596--A

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- 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
18 court may reside anywhere in St. Lawrence county, the judges of the
19 Rensselaer city court may reside anywhere in Rensselaer county and one
20 judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN

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

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1 THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY
2 COURT may reside anywhere in Albany county.

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

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

9 Par. Name of city

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

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

15 S 3. Subparagraphs (i) and (ii) of paragraph 1 of subdivision (e) of
16 section 2104 of the uniform city court act, as amended by chapter 493 of
17 the laws of 2006, are amended to read as follows:

18 (i) by the mayor of the city for which the court on which he or she
19 will serve has been established, with the advice and consent of the city
20 council: part-time city court judge of Beacon, part-time city court
21 judge of Corning, part-time city court judge of Cortland, part-time city
22 court judge of Gloversville, city court judge of Glen Cove who serves in
23 the office that on June first, two thousand one was an appointive office
24 pursuant to this subparagraph, [part-time city court judge of Ithaca,
25 part-time] city court judge of Jamestown WHO SERVES IN THE OFFICE THAT
26 WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOU-
27 SAND THIRTEEN, part-time city court judge of Olean, city court judges of
28 Plattsburgh, city court judge of Port Jervis who serves in the office
29 that formerly was that of acting city court judge of Port Jervis, city
30 court judges of Rye, city court judge of Salamanca who serves in the
31 office that formerly was that of acting city court judge of Salamanca
32 and the part-time city court judge of Watertown.

33 (ii) by the city council of the city for which the court on which he
34 or she will serve has been established: part-time city court judge of
35 Auburn, part-time city court judge of Batavia, part-time city court
36 judge of Canandaigua, city court judge of Johnstown who serves in the
37 office that formerly was that of acting city court judge of Johnstown,
38 city court judge of Newburgh who serves in the office that on March
39 thirty-first, two thousand one was part-time, city court judge of
40 Norwich who serves in the office that [formerly was that of acting city
41 court judge of Norwich] WAS CREATED DURING THE CALENDAR YEAR COMMENCING
42 JANUARY FIRST, TWO THOUSAND THIRTEEN, city court judges of Peekskill,
43 and city court judges of White Plains.

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

48 by the mayor of the city for which the court on which he or she will
49 serve has been established: part-time city court judge of Binghamton,
50 city court judges of Cohoes, part-time city court judge of Dunkirk,
51 part-time city court judge of Fulton, city court judge of Geneva who
52 serves in the office that formerly was that of acting city court judge
53 of Geneva, city court judge of Hornell who serves in the office that
54 formerly was that of acting city court judge of Hornell, city court
55 judge of Hudson who serves in the office that formerly was that of
56 acting city court judge of Hudson, part-time city court judge of King-

ston, part-time city court judge of Lackawanna, city court judge of Little Falls who serves in the office that formerly was that of acting CITY court judge of Little Falls, [part-time city court judge of Lockport,] city court judge of Mechanicville who serves in the office that formerly was that of acting city court judge of Mechanicville, [part-time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Mount Vernon, [part-time] city court judge of New Rochelle [and full-time city court judge of such city who serves in the office created during the calendar year commencing January first, two thousand one] WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN AND THE CITY COURT JUDGE OF SUCH CITY WHO SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO THOUSAND THIRTEEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH, part-time city court judge of North Tonawanda, part-time city court judge of Ogdensburg, PART-TIME city court judge of Oneida [who serves in the office that formerly was that of acting city court judge of Oneida], PART-TIME city court judge of Oneonta [who serves in the office that formerly was that of acting city court judge of Oneonta], part-time city court judge of Oswego, city court judges of Poughkeepsie, city court judge of Rensselaer who serves in the office that formerly was that of acting city court judge of Rensselaer, [part-time] city court judge of Saratoga Springs WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Tonawanda and city court judge of Watervliet who serves in the office that formerly was that of acting city court judge of Watervliet. Provided, however, the following special provisions shall be applicable in the city of Poughkeepsie:

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

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

City	Title	
Albany	City Court Judge (FT)	113,900
[Albany	City Court Judge	54,400]
Amsterdam	City Court Judge (FT)	108,800
Amsterdam	City Court Judge	27,200
Auburn	City Court Judge (FT)	108,800
Auburn	City Court Judge	[27,200] 54,400
Batavia	City Court Judge (FT)	108,800
Batavia	City Court Judge	27,200
Beacon	City Court Judge (FT)	108,800
Beacon	City Court Judge	27,200
Binghamton	City Court Judge (FT)	108,800
Binghamton	City Court Judge	54,400
Buffalo	Chief Judge (FT)	115,100
Buffalo	City Court Judge (FT)	113,900
Canandaigua	City Court Judge (FT)	108,800

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

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

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

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

46 (i) each of the following part-time judgeships shall be abolished and
 47 replaced by a full-time judgeship: the part-time city court judge of
 48 Albany, the part-time city court judge of Ithaca, the part-time city
 49 court judge of Jamestown, the part-time city court judge of Lockport,
 50 the part-time city judge of Middletown, the part-time city court judge
 51 of New Rochelle, the part-time city court judge of Norwich whose office
 52 is paid the greater compensation on such date, the part-time city court
 53 judge of Oneida whose office is paid the greater compensation on such
 54 date, the part-time city court judge of Oneonta whose office is paid the
 55 greater compensation on such date, the part-time city court judge of
 56 Rome, the part-time city court judge of Saratoga Springs and the part-

1 time city court judge of White Plains. Each person in a judgeship abol-
2 ished by this subdivision shall continue in service in the full-time
3 judgeship that replaces such abolished judgeship hereunder for the
4 remainder of the term of office to which he or she was selected in such
5 abolished judgeship except that the person who continues in service in
6 the full-time judgeship that replaces the abolished judgeship in the
7 city court of Lockport shall do so until the thirty-first day of Decem-
8 ber next succeeding the date on which such term of office would other-
9 wise expire; and

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

14 (b) The new offices of full-time city court judge in the cities of
15 Buffalo, Newburgh, Troy and Yonkers, respectively, shall first be filled
16 by election at the next general election at which they can be filled for
17 a full term to commence January first next thereafter. Upon the first
18 occurrence of a vacancy in the office of full-time city court judge of
19 the city court of Lockport established by paragraph (i) of subdivision
20 (a) of this section, the office shall be filled by election for a term
21 commencing the first day of January next succeeding the election.

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

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

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