

4596--B

2011-2012 Regular Sessions

I N   S E N A T E

April 13, 2011

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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 -- reported favorably from said committee and committed to the Committee on Finance -- 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

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

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

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

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

11 Par. Name of city

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

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

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

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

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

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

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

1 judge of Hudson who serves in the office that formerly was that of  
 2 acting city court judge of Hudson, part-time city court judge of King-  
 3 ston, part-time city court judge of Lackawanna, city court judge of  
 4 Little Falls who serves in the office that formerly was that of acting  
 5 CITY court judge of Little Falls, [part-time city court judge of Lock-  
 6 port,] city court judge of Mechanicville who serves in the office that  
 7 formerly was that of acting city court judge of Mechanicville, [part-  
 8 time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT WAS  
 9 CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND  
 10 THIRTEEN, part-time city court judge of Mount Vernon, [part-time] city  
 11 court judge of New Rochelle [and full-time city court judge of such city  
 12 who serves in the office created during the calendar year commencing  
 13 January first, two thousand one] WHO SERVES IN THE OFFICE THAT WAS  
 14 CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND  
 15 THIRTEEN AND THE CITY COURT JUDGE OF SUCH CITY WHO SERVES IN THE OFFICE  
 16 THAT ON JANUARY FIRST, TWO THOUSAND THIRTEEN WAS AN APPOINTIVE OFFICE  
 17 PURSUANT TO THIS SUBPARAGRAPH, part-time city court judge of North Tona-  
 18 wanda, part-time city court judge of Ogdensburg, PART-TIME city court  
 19 judge of Oneida [who serves in the office that formerly was that of  
 20 acting city court judge of Oneida], PART-TIME city court judge of Oneon-  
 21 ta [who serves in the office that formerly was that of acting city court  
 22 judge of Oneonta], part-time city court judge of Oswego, city court  
 23 judges of Poughkeepsie, city court judge of Rensselaer who serves in the  
 24 office that formerly was that of acting city court judge of Rensselaer,  
 25 [part-time] city court judge of Saratoga Springs WHO SERVES IN THE  
 26 OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY  
 27 FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Tonawanda  
 28 and city court judge of Watervliet who serves in the office that former-  
 29 ly was that of acting city court judge of Watervliet. Provided, howev-  
 30 er, the following special provisions shall be applicable in the city of  
 31 Poughkeepsie:

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

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

41 City	Title	
42 Albany	City Court Judge (FT)	113,900
43 [Albany	City Court Judge	54,400]
44 Amsterdam	City Court Judge (FT)	108,800
45 Amsterdam	City Court Judge	27,200
46 Auburn	City Court Judge (FT)	108,800
47 Auburn	City Court Judge	[27,200] 54,400
48 Batavia	City Court Judge (FT)	108,800
49 Batavia	City Court Judge	27,200
50 Beacon	City Court Judge (FT)	108,800
51 Beacon	City Court Judge	27,200
52 Binghamton	City Court Judge (FT)	108,800
53 Binghamton	City Court Judge	54,400
54 Buffalo	Chief Judge (FT)	115,100

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

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

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

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

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

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

12 (ii) the office of the elected part-time city court judge of Salamanca  
13 shall receive the increase in compensation provided in section 221-i of  
14 the judiciary law as amended by section five of this act.

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

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

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

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