

STATE OF NEW YORK

8154

2017-2018 Regular Sessions

IN ASSEMBLY

May 31, 2017

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

AN ACT to amend the judiciary law, in relation to the conducting of arbitration and mediation on Saturday and/or Sunday in certain cases

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

1 Section 1. Section 5 of the judiciary law, as amended by chapter 115
2 of the laws of 1986, is amended to read as follows:

3 § 5. Courts not to sit on Sunday except in special cases nor on Satur-
4 day in certain cases. A court shall not be opened, or transact any busi-
5 ness on Sunday, nor shall a court transact any business on a Saturday in
6 any case where such day is kept as a holy day by any party to the case,
7 except to receive a verdict or discharge a jury and for the receipt by
8 the criminal court of the city of New York or a court of special
9 sessions of a plea of guilty and the pronouncement of sentence thereon
10 in any case in which such court has jurisdiction. An adjournment of a
11 court on Saturday, unless made after a cause has been committed to a
12 jury, must be to some other day than Sunday. But this section does not
13 prevent the exercise of the jurisdiction of a magistrate, where it is
14 necessary to preserve the peace, or, in a criminal case, to arrest,
15 commit or discharge a person charged with an offense, or the granting of
16 an injunction order by a justice of the supreme court when in his judg-
17 ment it is necessary to prevent irreparable injury or the service of a
18 summons with or without a complaint if accompanied by an injunction
19 order and an order of such justice permitting service on that day.

20 Furthermore, no provision of this section shall be deemed to prohibit or
21 prevent the conducting on Saturday and/or Sunday of any arbitration or
22 mediation proceeding, provided all parties and the tribunal consent to
23 such proceeding in writing. A writing purporting to provide consent of
24 any party that is not prepared by the party shall only be sufficient to
25 establish consent upon a finding by the tribunal by clear and convincing

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

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1 evidence, that such party has affirmatively consented to such
2 proceedings on a Saturday or Sunday as the case may be; such finding to
3 be made part of the record of any further proceedings.
4 § 2. This act shall take effect immediately.