

STATE OF NEW YORK

3907--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. KENNEDY -- 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 civil practice law and rules, in relation to authorizing enforcement officers of city courts in the county of Erie, designated in lieu of the sheriff, to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments of the supreme and family courts; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subdivision (b) of section 105 of the uniform city court
2 act, as amended by chapter 397 of the laws of 1988, is amended to read
3 as follows:
4 (b) (1) Enforcement officers; police officers. The enforcement officer
5 of a city court shall be the sheriff of the county in which such court
6 is located; provided, however, in each city where, on June thirtieth,
7 nineteen hundred eighty-eight, public officers thereof were authorized
8 to designate the enforcement officer of the city court established there-
9 in, such public officers may continue to exercise such authority and to
10 designate another person or officer as enforcement officer in lieu of
11 the sheriff. The enforcement officers of the court shall perform the
12 same duties as are performed by sheriffs in the supreme court and shall
13 have, within their territorial jurisdiction and subject to any limita-
14 tions imposed by [~~this act or by other provision of~~] law, such power to
15 serve and execute the processes and mandates of the court as a sheriff
16 has with regard to the processes and mandates of the supreme court. They
17 shall also have, within their territorial jurisdiction, all of the

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

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1 powers in criminal matters of a constable of a town in the state of New
2 York. It shall also be the duty of the police officers of the city to
3 execute all criminal processes and mandates of the court. Neither an
4 enforcement officer nor a police officer shall receive any fee or
5 compensation for the service or execution of any criminal process or
6 mandate issued out of the court.

7 (2) Notwithstanding any inconsistent provision of law to the contrary,
8 in the county of Erie all provisions of law relating to the powers,
9 duties and liabilities of sheriffs in like cases with respect to the
10 execution of money judgments rendered by any family court or any supreme
11 court of the county in which a city court is located, shall apply to the
12 enforcement officer of such city court, who was designated in lieu of
13 the sheriff.

14 § 2. Subdivision (s-1) of section 105 of the civil practice law and
15 rules, as amended by chapter 80 of the laws of 1998, is amended to read
16 as follows:

17 (s-1) The sheriff. The term "the sheriff", as used in this chapter,
18 means the county sheriff as defined in subdivision (a) of section thir-
19 teen of article thirteen of the constitution and in counties in the city
20 of New York, the city sheriff as defined in section fifteen hundred
21 twenty-six of [~~chapter fifty-eight of~~] the New York city charter. For
22 the purposes of article fifty-two of this chapter relating to the
23 enforcement of money judgments and for the purposes of any provision of
24 law which in effect applies any such provision of article fifty-two of
25 this chapter, such term shall also mean any "city marshal" as defined in
26 article sixteen of the New York city civil court act and any enforcement
27 officer of a city court, designated in lieu of the sheriff, pursuant to
28 subdivision (b) of section one hundred five of the uniform city court
29 act, except that city marshals and such enforcement officers shall have
30 no power to levy upon or sell real property and city marshals and such
31 enforcement officers shall have no power of arrest.

32 § 3. This act shall take effect immediately; provided, that section
33 one of this act shall expire and be deemed repealed on the same date and
34 in the same manner as chapter 455 of the laws of 1997, as amended;
35 provided, however, that the amendments to subdivision (s-1) of section
36 105 of the civil practice law and rules made by section two of this act
37 shall not affect the repeal of such subdivision pursuant to chapter 455
38 of the laws of 1997, as amended, and shall be deemed repealed therewith.