

STATE OF NEW YORK

8424

IN SENATE

February 28, 2022

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 6 of the constitution, in relation to consolidation of the unified court system, and the repeal of sections 9, 10, 11, 12, 13, 14, 16, subdivision j of section 22 and sections 34, 35, 36, 36-a, 36-c and 37 of article 6 of the constitution relating thereto

1 Section 1. Resolved (if the Assembly concur), That section 1 of article 6 of the constitution be amended to read as follows:

2 Section 1. a. There shall be a unified court system for the state. The
3 state-wide courts shall consist of the court of appeals[~~7~~] and the
4 supreme court including the appellate divisions and the appellate terms
5 thereof[~~7, the court of claims, the county court, the surrogate's court~~
6 ~~and the family court,~~] as hereinafter provided. [~~The legislature shall~~
7 ~~establish in and for the city of New York, as part of the unified court~~
8 ~~system for the state, a single, city-wide court of civil jurisdiction~~
9 ~~and a single, city-wide court of criminal jurisdiction, as hereinafter~~
10 ~~provided, and may upon the request of the mayor and the local legisla-~~
11 ~~tive body of the city of New York, merge the two courts into one city-~~
12 ~~wide court of both civil and criminal jurisdiction.~~] The unified court
13 system for the state shall also include the [~~district~~] municipal, town,
14 [~~city~~] and village courts [~~outside the city of New York,~~] as hereinafter
15 provided.
16

17 b. The court of appeals, the supreme court including the appellate
18 divisions and the appellate terms thereof as hereinafter provided, the
19 [~~court of claims, the county court, the surrogate's court, the family~~
20 ~~court, the courts or court of civil and criminal jurisdiction of the~~
21 ~~city of New York~~] municipal courts, and such other courts as the legis-
22 lature may determine shall be courts of record.

23 c. All processes, warrants, and other mandates of the court of
24 appeals[~~7~~] and the supreme court including the appellate divisions and
25 the appellate terms thereof[~~7, the court of claims, the county court, the~~
26 ~~surrogate's court and the family court~~] as hereinafter provided may be
27 served and executed in any part of the state. All processes, warrants,

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

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1 and other mandates of the municipal courts [~~or court of civil and crimi-~~
2 ~~nal jurisdiction of the city of New York~~] may, subject to such limita-
3 tion as may be prescribed by the legislature provided it applies
4 uniformly to all municipal courts, be served and executed in any part of
5 the state. The legislature may provide that processes, warrants, and
6 other mandates of [~~the district court may be served and executed in any~~
7 ~~part of the state and that processes, warrants and other mandates of~~
8 town[,] and village [~~and city~~] courts [~~outside the city of New York~~] may
9 be served and executed in any part of the county in which such courts
10 are located or in any part of any adjoining county.

11 § 2. Resolved (if the Assembly concur), That subdivisions a, b, d and
12 f of section 2 of article 6 of the constitution be amended to read as
13 follows:

14 a. The court of appeals is continued. It shall consist of [~~the~~] a
15 chief judge and [~~the~~] six [~~elected~~] associate judges [~~now in office, who~~
16 ~~shall hold their offices until the expiration of their respective terms,~~
17 ~~and their successors~~], and such justices of the supreme court as may be
18 designated for service in said court as hereinafter provided. The [~~offi-~~
19 ~~cial~~] terms of the chief judge and the six associate judges shall be
20 fourteen years.

21 Five members of the court shall constitute a quorum, and the concur-
22 rence of four shall be necessary to a decision; but no more than seven
23 judges shall sit in any case. In case of the temporary absence or
24 inability to act of any judge of the court of appeals, the court may
25 designate any justice of the supreme court to serve as associate judge
26 of the court during such absence or inability to act. The court shall
27 have power to appoint and to remove its clerk. The powers and jurisdic-
28 tion of the court shall not be suspended for want of appointment when
29 the number of judges is sufficient to constitute a quorum.

30 b. Whenever and as often as the court of appeals shall certify to the
31 governor that the court is unable, by reason of the accumulation of
32 causes pending therein, to hear and dispose of the same with reasonable
33 speed, the governor shall designate such number of justices of the
34 supreme court as may be so certified to be necessary, but not more than
35 four, to serve as associate judges of the court of appeals. The justices
36 so designated shall be relieved, while so serving, from their duties as
37 justices of the supreme court, and shall serve as associate judges of
38 the court of appeals until the court shall certify that the need for the
39 services of any such justices no longer exists, whereupon they shall
40 return to the supreme court. The governor may fill vacancies among such
41 designated judges. No such justices shall serve as associate judge of
42 the court of appeals except while holding the office of justice of the
43 supreme court. The designation of a justice of the supreme court as an
44 associate judge of the court of appeals shall not be deemed to affect
45 [~~his or her~~] such justice's existing office any longer than until the
46 expiration of [~~his or her~~] such justice's designation as such associate
47 judge, nor to create a vacancy.

48 d. (1) The commission on judicial nomination shall consist of twelve
49 members of whom four shall be appointed by the governor, four by the
50 chief judge of the court of appeals, and one each by the speaker of the
51 assembly, the temporary president of the senate, the minority leader of
52 the senate, and the minority leader of the assembly. Of the four members
53 appointed by the governor, no more than two shall be enrolled in the
54 same political party, two shall be members of the bar of the state, and
55 two shall not be members of the bar of the state. Of the four members
56 appointed by the chief judge of the court of appeals, no more than two

1 shall be enrolled in the same political party, two shall be members of
2 the bar of the state, and two shall not be members of the bar of the
3 state. No member of the commission shall hold or have held any judicial
4 office or hold any elected public office for which ~~[he or she]~~ such
5 member receives compensation during ~~[his or her]~~ such member's period of
6 service, except that the governor and the chief judge may each appoint
7 no more than one former judge or justice of the unified court system to
8 such commission. No member of the commission shall hold any office in
9 any political party. No member of the judicial nominating commission
10 shall be eligible for appointment to judicial office in any court of the
11 state during the member's period of service or within one year thereaft-
12 er.

13 (2) The members ~~[first appointed by the governor shall have respec-~~
14 ~~tively one, two, three and four year terms as the governor shall desig-~~
15 ~~nate. The members first appointed by the chief judge of the court of~~
16 ~~appeals shall have respectively one, two, three and four year terms as~~
17 ~~the chief judge shall designate. The member first appointed by the~~
18 ~~temporary president of the senate shall have a one year term. The member~~
19 ~~first appointed by the minority leader of the senate shall have a two-~~
20 ~~year term. The member first appointed by the speaker of the assembly~~
21 ~~shall have a four year term. The member first appointed by the minority~~
22 ~~leader of the assembly shall have a three year term. Each subsequent~~
23 ~~appointment shall be]~~ of the commission shall each serve for a term of
24 four years.

25 (3) The commission shall designate one of their number to serve as
26 chairperson.

27 (4) The commission shall consider the qualifications of candidates for
28 appointment to the offices of judge and chief judge of the court of
29 appeals and, whenever a vacancy in those offices occurs, shall prepare a
30 written report and recommend to the governor persons who are well quali-
31 fied for those judicial offices. In preparing such report and recommen-
32 dation, the commission shall consider recommendations that reflect the
33 diversity of the citizenry of New York, including, but not limited to,
34 diversity in race, ethnicity, gender, religion, sexual orientation,
35 nature of legal practice or professional background and geography.

36 f. When a vacancy occurs in the office of chief judge or associate
37 judge of the court of appeals and the senate is not in session to give
38 its advice and consent to an appointment to fill the vacancy, the gover-
39 nor shall fill the vacancy by interim appointment upon the recommenda-
40 tion of a commission on judicial nomination as provided in this section.
41 An interim appointment shall continue until the senate shall pass upon
42 the governor's selection. If the senate confirms an appointment, the
43 judge shall serve a term as provided in subdivision a of this section
44 commencing from the date of ~~[his or her]~~ such judge's interim appoint-
45 ment. If the senate rejects an appointment, a vacancy in the office
46 shall occur sixty days after such rejection. If an interim appointment
47 to the court of appeals be made from among the justices of the supreme
48 court or the appellate divisions thereof, that appointment shall not
49 affect the justice's existing office, nor create a vacancy in the
50 supreme court, or the appellate division thereof, unless such appoint-
51 ment is confirmed by the senate and the appointee shall assume such
52 office. If an interim appointment of chief judge of the court of appeals
53 be made from among the associate judges, an interim appointment of asso-
54 ciate judge shall be made in like manner; in such case, the appointment
55 as chief judge shall not affect the existing office of associate judge,

1 unless such appointment as chief judge is confirmed by the senate and
2 the appointee shall assume such office.

3 § 3. Resolved (if the Assembly concur), That subdivisions a, c, d, h
4 and j of section 4 of article 6 of the constitution be amended to read
5 as follows:

6 a. (1) The state shall be divided into four judicial departments. The
7 first department shall consist of the counties within the first ~~and~~
8 ~~twelfth~~ judicial ~~[district]~~ ~~districts~~ of the state. The second depart-
9 ment shall consist of the counties within the second, ninth, tenth
10 ~~[and]~~, ~~eleventh~~, ~~and thirteenth~~ judicial districts of the state. The
11 third department shall consist of the counties within the third, fourth,
12 and sixth judicial districts of the state. The fourth department shall
13 consist of the counties within the fifth, seventh, and eighth judicial
14 districts of the state. ~~[Each department shall be bounded by the lines~~
15 ~~of judicial districts.]~~

16 (2) Once every ten years, the legislature may ~~increase or decrease the~~
17 ~~number of judicial departments, or~~ alter the boundaries of the judicial
18 departments~~[, but without changing the number thereof]~~. ~~Upon any~~
19 ~~adjustment hereunder, each department shall be bounded by the lines of~~
20 ~~judicial districts, and the justices of each appellate division affected~~
21 ~~by such adjustment may be re-apportioned, and appeals in their respec-~~
22 ~~tive courts transferred, as provided by subdivision g of section twen-~~
23 ~~ty-seven of this article.~~

24 c. The governor shall designate the presiding justice of each appel-
25 late division, who shall act as such during ~~[his or her]~~ such justice's
26 term of office and shall be a resident of the department. The other
27 justices of the appellate divisions shall be designated by the governor,
28 from all the justices ~~[elected to]~~ of the supreme court ~~other than those~~
29 ~~appointed to fill a vacancy pursuant to subdivision a of section fifteen~~
30 ~~of this article,~~ for terms of five years or the unexpired portions of
31 their respective terms of office, if less than five years, ~~provided the~~
32 ~~governor shall consider whether the designation of such justice results~~
33 ~~in an appellate division that reflects the diversity of the citizenry of~~
34 ~~the judicial department, including, but not limited to, diversity in~~
35 ~~race, ethnicity, gender, religion, sexual orientation, and nature of~~
36 ~~judicial experience or professional background.~~

37 d. The ~~[justices heretofore designated shall continue to sit in the~~
38 ~~appellate divisions until the terms of their respective designations~~
39 ~~shall expire. From time to time as the terms of the designations expire,~~
40 ~~or vacancies occur, the governor shall make new designations. The]~~
41 governor may also, on request of any appellate division, make temporary
42 designations in case of the absence or inability to act of any justice
43 in such appellate division, for service only during such absence or
44 inability to act.

45 h. A justice of the appellate division of the supreme court in any
46 department may be temporarily designated by the presiding justice of
47 ~~[his or her]~~ such department to the appellate division in another judi-
48 cial department upon agreement by the presiding justices of the appel-
49 late division of the departments concerned.

50 j. No justice of the appellate division shall, within the department
51 to which ~~[he or she]~~ such justice may be designated to perform the
52 duties of an appellate justice, exercise any of the powers of a justice
53 of the supreme court, other than those of a justice out of court, and
54 those pertaining to the appellate division, except that the justice may
55 decide causes or proceedings theretofore submitted, or hear and decide
56 motions submitted by consent of counsel, but any such justice, when not

1 actually engaged in performing the duties of such appellate justice in
2 the department to which ~~[he or she]~~ such justice is designated, may hold
3 any term of the supreme court and exercise any of the powers of a
4 justice of the supreme court in any judicial district in any other
5 department of the state.

6 § 4. Resolved (if the Assembly concur), That subdivisions a, b, c and
7 d of section 6 of article 6 of the constitution be amended to read as
8 follows:

9 a. The state shall be divided into ~~[eleven]~~ thirteen judicial
10 districts. The first judicial district shall consist of the ~~[counties]~~
11 county of ~~[Bronx and]~~ New York. The second judicial district shall
12 consist of the ~~[counties]~~ county of Kings ~~[and Richmond]~~. The third
13 judicial district shall consist of the counties of Albany, Columbia,
14 Greene, Rensselaer, Schoharie, Sullivan, and Ulster. The fourth judicial
15 district shall consist of the counties of Clinton, Essex, Franklin,
16 Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady,
17 Warren and Washington. The fifth judicial district shall consist of the
18 counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego.
19 The sixth judicial district shall consist of the counties of Broome,
20 Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga
21 and Tompkins. The seventh judicial district shall consist of the coun-
22 ties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and
23 Yates. The eighth judicial district shall consist of the counties of
24 Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and
25 Wyoming. The ninth judicial district shall consist of the counties of
26 Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial
27 district shall consist of the counties of Nassau and Suffolk. The elev-
28 enth judicial district shall consist of the county of Queens. The
29 twelfth judicial district shall consist of the county of Bronx. The
30 thirteenth judicial district shall consist of the county of Richmond.

31 b. Once every ten years the legislature may increase or decrease the
32 number of judicial districts or alter the composition of judicial
33 districts and thereupon re-apportion the justices ~~[to be thereafter~~
34 elected] of the supreme court in the judicial districts so altered. Each
35 judicial district shall be bounded by county lines.

36 c. ~~[The]~~ Except as otherwise provided in this article, the justices of
37 the supreme court shall be chosen by the electors of the judicial
38 district in which they are to serve~~[-The]~~ for terms of ~~[justices of the~~
39 ~~supreme court shall be]~~ fourteen years from and including the first day
40 of January next after their election.

41 d. The supreme court is continued. ~~[It shall consist of the number of~~
42 ~~justices of the supreme court including the justices designated to the~~
43 ~~appellate divisions of the supreme court, judges of the county court of~~
44 ~~the counties of Bronx, Kings, Queens and Richmond and judges of the~~
45 ~~court of general sessions of the county of New York authorized by law on~~
46 ~~the thirty-first day of August next after the approval and ratification~~
47 ~~of this amendment by the people, all of whom shall be justices of the~~
48 ~~supreme court for the remainder of their terms. The legislature may~~
49 ~~increase the]~~ In each judicial district, it shall consist of such number
50 of justices ~~[of the supreme court in any judicial district]~~ as may be
51 authorized by law, except that ~~[the number in any district shall not be~~
52 ~~increased to exceed one justice for fifty thousand, or fraction over~~
53 ~~thirty thousand, of the population thereof as shown by the last federal~~
54 ~~census or state enumeration. The legislature may decrease the number of~~
55 ~~justices of the supreme court in any judicial district, except that]:~~

(1) the number in any judicial district shall not be less than the number of justices of the supreme court authorized by law in such judicial district on ~~[the effective date of this article]~~ December thirty-first, two thousand twenty-four; and

(2) there shall be at least one justice of the supreme court in each county outside the city of New York chosen by the electors thereof.

§ 5. Resolved (if the Assembly concur), That section 7 of article 6 of the constitution be amended to read as follows:

§ 7. a. The supreme court and any division thereof shall have general original jurisdiction in law and equity, including the jurisdiction of the former court of claims following its abolition pursuant to section twenty-seven of this article subject, however, to such power as the legislature had to confer jurisdiction upon the court of claims, or to withdraw jurisdiction therefrom, on the day immediately preceding such abolition; the appellate jurisdiction of the former county court following its abolition pursuant to such section twenty-seven, except that the legislature may provide, in accordance with section eight of this article, that one or more appellate terms shall exercise any or all of such appellate jurisdiction; and [the] such other appellate jurisdiction as herein provided. ~~[In the city of New York, it]~~ Except as the legislature may otherwise provide pursuant to paragraph (4) of subdivision a of section ten of this article, the supreme court shall have exclusive jurisdiction over crime prosecuted by indictment~~[, provided, however, that the legislature may grant to the city-wide court of criminal jurisdiction of the city of New York jurisdiction over misdemeanors prosecuted by indictment and to the family court in the city of New York jurisdiction over crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household]~~.

b. If the legislature shall create new classes of actions and proceedings, the supreme court shall have jurisdiction over such classes of actions and proceedings, but the legislature may provide that another court or other courts shall also have jurisdiction and that actions and proceedings of such classes may be originated in such other court or courts.

c. Except as the chief administrator of the courts may otherwise provide, the supreme court shall have the following divisions effective January first, two thousand twenty-eight or such other date as shall be provided herein:

(1) a family division, for actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage, and actions and proceedings within the jurisdiction of the former family court on December thirty-first, two thousand twenty-seven;

(2) a probate division, for actions and proceedings within the jurisdiction of the former surrogate's court on December thirty-first, two thousand twenty-seven;

(3) a criminal division, for crimes and other violations of law;

(4) effective October first, two thousand twenty-five, a state claims division, for actions and proceedings within the jurisdiction of the former court of claims on September thirtieth, two thousand twenty-five;

(5) a commercial division, for civil actions and proceedings as may be provided by law or prescribed by the chief administrator; and

(6) a general division, for all other actions and proceedings in the supreme court.

To the extent practicable, justices assigned to any such divisions shall be experienced in the business coming before them.

Notwithstanding any provision of this subdivision, each of the divisions specified herein may exercise all of supreme court's jurisdiction under this section.

§ 6. Resolved (if the Assembly concur), That subdivisions d and e of section 8 of article 6 of the constitution be amended to read as follows:

d. If so directed by the appellate division of the supreme court in the first or second judicial department establishing an appellate term, ~~[an]~~ such appellate term shall have jurisdiction to hear and determine appeals ~~[now or hereafter authorized by law to be taken to the supreme court or to the appellate division other than appeals from the supreme court, a surrogate's court, the family court or appeals in criminal cases prosecuted by indictment or by information as provided in section six of article one]~~ from the municipal court in the city of New York sitting in such judicial department.

e. As may be provided by law, an appellate term shall have jurisdiction to hear and determine appeals from ~~[the district]~~ a municipal court outside the city of New York or from a town~~[r]~~ or village ~~[or city]~~ court ~~[outside the city of New York]~~.

§ 7. Resolved (if the Assembly concur), That sections 9, 10, 11, 12, 13, 14, 16, subdivision j of section 22 and sections 34, 35, 36, 36-a, 36-c and 37 of article 6 of the constitution be REPEALED.

§ 8. Resolved (if the Assembly concur), That sections 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of article 6 of the constitution be renumbered sections 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28.

§ 9. Resolved (if the Assembly concur), That section 9 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 9. ~~[a.]~~ The ~~[legislature shall by law establish a single court of city-wide civil jurisdiction and a single court of city-wide criminal jurisdiction in and for the city of New York and the legislature may, upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city-wide court of both civil and criminal jurisdiction. The said city-wide courts]~~ municipal court system is hereby established effective January first, two thousand thirty. Under such system:

a. There shall be a municipal court in the city of New York. It shall consist of such number of judges as may be ~~[provided]~~ authorized by law. The judges of the municipal court ~~[of city-wide civil jurisdiction]~~ in the city of New York shall be residents of such city and, except as otherwise provided in this article, shall be ~~[chosen]~~ selected in the manner provided by law for terms of ten years ~~[by the electors of the counties included within the city of New York from districts within such counties established by law. The judges of the court of city-wide criminal jurisdiction shall be residents of such city and shall be appointed for terms of ten years by the mayor of the city of New York.]~~

b. ~~The court of city-wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed fifty thousand dollars exclusive of interest and costs, or such smaller amount as may be fixed by law; over summary~~

~~proceedings to recover possession of real property and to remove tenants therefrom and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.~~

~~c. The court of city-wide criminal jurisdiction of the city of New York shall have jurisdiction over crimes and other violations of law, other than those prosecuted by indictment, provided, however, that the legislature may grant to said court jurisdiction over misdemeanors prosecuted by indictment; and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law.~~

~~d. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article]~~ . Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

b. There shall be municipal courts outside the city of New York as follows:

(1) A municipal court shall be established in each of the following: (i) the area of Nassau county, (ii) the area of Suffolk county in which a district court was established on December thirty-first, two thousand twenty-nine, and (iii) the area of any county or portion thereof outside the city of New York where such a court shall be established by the legislature pursuant to the procedures of former section sixteen of this article for the establishment of a district court.

(2) Unless the legislature shall otherwise provide, a municipal court shall be established for the area of each city outside the city of New York.

The judges of a municipal court outside the city of New York shall be residents of the county or portion thereof for which such court has been established and shall be chosen by the electors of such county or portion thereof for terms of six years; except that judges of a municipal court established pursuant to paragraph (2) of this subdivision shall be residents of the city for which such court is established unless otherwise provided by law, and shall be chosen in such manner and for such terms as shall be provided by law. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

c. The legislature may create districts of a municipal court outside the city of New York established pursuant to paragraph (1) of subdivision b of this section, which shall consist of an entire county or of an area less than a county; and may discontinue any district of such a municipal court. The judges of a municipal court for which districts have been created hereunder shall be apportioned among such districts as may be provided by law and, to the extent practicable, in accordance with the population and the volume of judicial business.

d. Each municipal court outside the city of New York shall consist of such number of judges as may be authorized by law, provided there shall be at least one judge for each municipal court and, for each municipal court in which districts have been created hereunder, at least one judge for each of such districts.

§ 10. Resolved (if the Assembly concur), That article 6 of the constitution be amended by adding a new section 10 to read as follows:

§ 10. a. Once established pursuant to section nine of this article, the municipal courts shall enjoy uniform jurisdiction statewide. Such jurisdiction shall include the following classes of actions and proceedings, which shall be originated in such courts in the manner provided by law:

(1) actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels, and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed fifty thousand dollars exclusive of interest and costs, or such greater amount as may be fixed by law; provided, however, that the jurisdiction of the municipal court to enter judgment upon a counterclaim for the recovery of money only shall be unlimited;

(2) actions and proceedings in law and equity involving the enforcement of state and local laws for the establishment and maintenance of housing standards, summary proceedings to recover possession of real property and to remove tenants therefrom, and such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law;

(3) such equity jurisdiction as may be provided by law;

(4) jurisdiction over crimes and other violations of law other than those prosecuted by indictment; provided, however, that the legislature may grant to the municipal courts jurisdiction over misdemeanors prosecuted by indictment and over such other criminal actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law; and

(5) any other jurisdiction exercised by the former city-wide courts of civil and criminal jurisdiction for the city of New York on December thirty-first, two thousand twenty-nine not otherwise provided herein and, where it is provided by law after such date, such further jurisdiction as those courts might have exercised on such date had such jurisdiction then been provided by law.

b. The municipal court in the city of New York and such other municipal courts outside such city as the legislature may provide shall have a housing division, for actions and proceedings specified in paragraph (2) of subdivision a of this section, and such further divisions as the chief administrator of the courts may provide.

c. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article.

§ 11. Resolved (if the Assembly concur), That section 11 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 11. a. Courts for towns[,] ~~and~~ villages [~~and cities outside the city of New York~~] are continued and shall have the jurisdiction prescribed by the legislature but not in any respect greater than the jurisdiction of [~~the district~~] a municipal court as provided in section [~~sixteen~~] ten of this article.

b. The legislature may regulate such courts[~~, establish uniform jurisdiction, practice and procedure for city courts outside the city of New York~~] and may discontinue any village [~~or city~~] court [~~outside the city of New York existing on the effective date of this article~~]. The legislature may discontinue any town court [~~existing on the effective date of this article~~] only with the approval of a majority of the total votes cast at a general election on the question of a proposed discontinuance of the court in each such town affected thereby.

1 c. ~~[The legislature may abolish the legislative functions on town~~
2 ~~boards of justices of the peace and provide that town councilmen be~~
3 ~~elected in their stead.~~

4 d.] The number of ~~[the judges]~~ justices of each of such town~~[r]~~ and
5 village ~~[and city]~~ courts and the classification and duties of ~~[the~~
6 ~~judges]~~ such justices shall be prescribed by the legislature. The terms,
7 method of selection, and method of filling vacancies for the ~~[judges]~~
8 justices of such courts shall be prescribed by the legislature~~[r]~~;
9 provided, however, that the justices of town courts shall be chosen by
10 the electors of the town for terms of four years from and including the
11 first day of January next after their election.

12 § 12. Resolved (if the Assembly concur), That section 13 of article 6
13 of the constitution, as renumbered by section eight of this resolution,
14 be amended to read as follows:

15 § 13. a. The supreme court may transfer any action or proceeding,
16 except one over which it shall have exclusive jurisdiction which does
17 not depend upon the monetary amount sought, to any other court having
18 jurisdiction of the subject matter within the judicial department
19 provided that such other court has jurisdiction over the classes of
20 persons named as parties. As may be provided by law, the supreme court
21 may transfer to itself any action or proceeding originated or pending in
22 another court within the judicial department ~~[other than the court of~~
23 ~~claims]~~ upon a finding that such a transfer will promote the adminis-
24 tration of justice.

25 b. The ~~[county court shall transfer to the supreme court or surro-~~
26 ~~gate's court or family court any action or proceeding which has not been~~
27 ~~transferred to it from the supreme court or surrogate's court or family~~
28 ~~court and over which the county court has no jurisdiction. The county~~
29 ~~court may transfer any action or proceeding, except a criminal action or~~
30 ~~proceeding involving a felony prosecuted by indictment or an action or~~
31 ~~proceeding required by this article to be dealt with in the surrogate's~~
32 ~~court or family court, to any court, other than the supreme court,~~
33 ~~having jurisdiction of the subject matter within the county provided~~
34 ~~that such other court has jurisdiction over the classes of persons named~~
35 ~~as parties.~~

36 c. ~~As may be provided by law, the supreme court or the county court~~
37 ~~may transfer to the county court any action or proceeding originated or~~
38 ~~pending in the district court or a town, village or city court outside~~
39 ~~the city of New York upon a finding that such a transfer will promote~~
40 ~~the administration of justice.~~

41 d. ~~The surrogate's court shall transfer to the supreme court or the~~
42 ~~county court or the family court or the courts for the city of New York~~
43 ~~established pursuant to section fifteen of this article any action or~~
44 ~~proceeding which has not been transferred to it from any of said courts~~
45 ~~and over which the surrogate's court has no jurisdiction.~~

46 e. ~~The family court shall transfer to the supreme court or the surro-~~
47 ~~gate's court or the county court or the courts for the city of New York~~
48 ~~established pursuant to section fifteen of this article any action or~~
49 ~~proceeding which has not been transferred to it from any of said courts~~
50 ~~and over which the family court has no jurisdiction.~~

51 f. ~~The courts for the city of New York established pursuant to section~~
52 ~~fifteen of this article]~~ municipal court shall transfer to the supreme
53 court ~~[or the surrogate's court or the family court]~~ any action or
54 proceeding which has not been transferred to ~~[them]~~ it from ~~[any of said~~
55 ~~courts]~~ the supreme court and over which the ~~[said courts for the city~~
56 ~~of New York have]~~ municipal court has no jurisdiction.

1 ~~[g-]~~ c. As may be provided by law, the supreme court shall transfer
2 any action or proceeding to any other court having jurisdiction of the
3 subject matter in any other judicial district or county provided that
4 such other court has jurisdiction over the classes of persons named as
5 parties.

6 ~~[h-]~~ d. As may be provided by law, the ~~[county]~~ municipal court~~[the~~
7 ~~surrogate's court, the family court and the courts for]~~ in the city of
8 New York ~~[established pursuant to section fifteen of this article]~~,
9 sitting outside the first judicial department, may transfer any action
10 or proceeding, other than one which has previously been transferred to
11 it, to any other court in the second judicial department, except the
12 supreme court, having jurisdiction of the subject matter ~~[in any other~~
13 ~~judicial district or county]~~ provided that such other court has juris-
14 diction over the classes of persons named as parties.

15 ~~[i-]~~ e. As may be provided by law, ~~[the district]~~ a municipal court
16 outside the city of New York or a town~~[or village]~~ or village ~~[or city]~~ court
17 ~~[outside the city of New York]~~ may transfer any action or proceeding,
18 other than one which has previously been transferred to it, to any other
19 court, ~~[other than]~~ except the ~~[county court or the surrogate's court or~~
20 ~~the family court or the]~~ supreme court, having jurisdiction of the
21 subject matter in the same or an adjoining county provided that such
22 other court has jurisdiction over the classes of persons named as
23 parties.

24 ~~[j-]~~ f. Each court shall exercise jurisdiction over any action or
25 proceeding transferred to it pursuant to this section.

26 ~~[k-]~~ g. The legislature may provide that the verdict or judgment in
27 actions and proceedings so transferred shall not be subject to the limi-
28 tation of monetary jurisdiction of the court to which the actions and
29 proceedings are transferred if that limitation be lower than that of the
30 court in which the actions and proceedings were originated.

31 § 13. Resolved (if the Assembly concur), That section 14 of article 6
32 of the constitution, as renumbered by section eight of this resolution,
33 be amended to read as follows:

34 § 14. a. No person~~[other than one who holds such office at the~~
35 ~~effective date of this article]~~, may assume the office of judge of the
36 court of appeals~~[or justice of the supreme court]~~ or judge of the
37 ~~court of claims]~~ unless ~~[he or she]~~ such person has been admitted to
38 practice law in this state at least ten years. No person~~[other than~~
39 ~~one who holds such office at the effective date of this article]~~, may
40 assume the office of judge of ~~[the county court, surrogate's court,~~
41 ~~family court, a court for the city of New York established pursuant to~~
42 ~~section fifteen of this article, district]~~ a municipal court ~~[or city~~
43 ~~court outside the city of New York]~~ unless ~~[he or she]~~ such person has
44 been admitted to practice law in this state at least five years or such
45 greater number of years as the legislature may determine.

46 b. A judge of the court of appeals, justice of the supreme court,
47 ~~[judge of the court of claims, judge of a county court, judge of the~~
48 ~~surrogate's court, judge of the family court]~~ or judge of a municipal
49 court ~~[for the city of New York established pursuant to section fifteen~~
50 ~~of this article who is elected or appointed after the effective date of~~
51 ~~this article]~~ may not:

52 (1) hold any other public office or trust except an office in relation
53 to the administration of the courts, member of a constitutional conven-
54 tion or member of the armed forces of the United States or of the state
55 of New York in which latter event the legislature may enact such legis-
56 lation as it deems appropriate to provide for a temporary judge or

1 justice to serve during the period of the absence of such judge or
2 justice in the armed forces;

3 (2) be eligible to be a candidate for any public office other than
4 judicial office or member of a constitutional convention, unless ~~[he or~~
5 ~~she]~~ such judge or justice resigns from judicial office; in the event a
6 judge or justice does not so resign from judicial office within ten days
7 after ~~[his or her acceptance of]~~ accepting the nomination of such other
8 office, ~~[his or her]~~ such judge's or justice's judicial office shall
9 become vacant and the vacancy shall be filled in the manner provided in
10 this article;

11 (3) hold any office or assume the duties or exercise the powers of any
12 office of any political organization or be a member of any governing or
13 executive agency thereof;

14 (4) engage in the practice of law, act as an arbitrator, referee or
15 compensated mediator in any action or proceeding or matter or engage in
16 the conduct of any other profession or business which interferes with
17 the performance of ~~[his or her]~~ such judge's or justice's judicial
18 duties; except that, if the legislature so provides, a judge of a munic-
19 ipal court outside the city of New York established pursuant to para-
20 graph (2) of subdivision b of section nine of this article may engage in
21 the practice of law.

22 Judges and justices of the courts specified in this subdivision shall
23 also be subject to such rules of conduct as may be promulgated by the
24 chief administrator of the courts with the approval of the court of
25 appeals.

26 c. Qualifications for and restrictions upon justices of the ~~[judges of~~
27 ~~district,]~~ town~~[,]~~ and village ~~[or city]~~ courts ~~[outside the city of New~~
28 ~~York, other than such qualifications and restrictions specifically set~~
29 ~~forth in subdivision a of this section,]~~ shall be prescribed by the
30 legislature~~[,]~~; provided, however, that the legislature shall require a
31 course of training and education to be completed by such justices ~~[of~~
32 ~~town and village courts selected after the effective date of this arti-~~
33 ~~cle]~~ who have not been admitted to practice law in this state. ~~[Judges]~~
34 Justices of such courts shall also be subject to such rules of conduct
35 not inconsistent with laws as may be promulgated by the chief adminis-
36 trator of the courts with the approval of the court of appeals.

37 § 14. Resolved (if the Assembly concur), That section 15 of article 6
38 of the constitution, as renumbered by section eight of this resolution,
39 be amended to read as follows:

40 § 15. a. When a vacancy shall occur, otherwise than by expiration of
41 term, in the office of an elective justice of the supreme court~~[, of~~
42 ~~judge of the county court, of judge of the surrogate's court or judge of~~
43 ~~the family court outside the city of New York]~~, it shall be filled for a
44 full term at the next general election held not less than three months
45 after such vacancy occurs and, until the vacancy shall be so filled, the
46 governor by and with the advice and consent of the senate, if the senate
47 shall be in session, or, if the senate not be in session, the governor
48 may fill such vacancy by ~~[an]~~ appointment ~~[which]~~; except that, where
49 the vacancy is in the office of a justice who was a judge of the city-
50 wide court of civil jurisdiction of the city of New York who became a
51 justice of the supreme court pursuant to subparagraph C of paragraph (1)
52 of subdivision b of section twenty-seven of this article, or such
53 judge's or justice's successor in office, the mayor of the city of New
54 York shall fill such vacancy by appointment. The appointing authority
55 shall consider whether the appointment of such judge or justice results
56 in a judiciary that reflects the diversity of the citizenry of the

1 jurisdiction for which the judge or justice is appointed, including, but
2 not limited to, diversity in race, ethnicity, gender, religion, sexual
3 orientation, and nature of legal practice or professional background.
4 Each appointment pursuant to this subdivision shall continue until and
5 including the last day of December next after the election at which the
6 vacancy shall be filled.

7 b. When a vacancy shall occur, otherwise than by expiration of term,
8 in the office of [~~judge of the court of claims~~] an appointive justice of
9 the supreme court, it shall be filled for the unexpired term in the same
10 manner as an original appointment.

11 c. When a vacancy shall occur, otherwise than by expiration of term,
12 in the office of judge elected to the [~~city-wide~~] municipal court [~~of~~
13 ~~civil jurisdiction of~~] in the city of New York, it shall be filled for a
14 full term at the next general election held not less than three months
15 after such vacancy occurs and, until the vacancy shall be so filled, the
16 mayor of the city of New York may fill such vacancy by an appointment
17 which shall continue until and including the last day of December next
18 after the election at which the vacancy shall be filled. When a vacancy
19 shall occur, otherwise than by expiration of term on the last day of
20 December of any year, in the office of judge appointed to the [~~family~~
21 ~~court within the city of New York or the city-wide~~] municipal court [~~of~~
22 ~~criminal jurisdiction of~~] in the city of New York, the mayor of the city
23 of New York shall fill such vacancy by an appointment for the unexpired
24 term; except that, where the vacancy is in the office of a judge who was
25 a housing judge of the city-wide court of civil jurisdiction of the city
26 of New York who became a judge of the municipal court pursuant to
27 subparagraph C of paragraph (1) of subdivision c of section twenty-seven
28 of this article, or such judge's successor in office, the mayor shall
29 fill such vacancy by appointment for the unexpired term from a list of
30 persons found qualified by an advisory council established by law. The
31 mayor of the city of New York shall consider whether the appointment of
32 such judge or justice results in a judiciary that reflects the diversity
33 of the citizenry of the jurisdiction for which the judge or justice is
34 appointed, including, but not limited to, diversity in race, ethnicity,
35 gender, religion, sexual orientation, and nature of legal practice or
36 professional background.

37 d. When a vacancy shall occur, otherwise than by expiration of term,
38 in the office of judge of [~~the district~~] a municipal court outside the
39 city of New York established pursuant to paragraph (1) of subdivision b
40 of section nine of this article, it shall be filled for a full term at
41 the next general election held not less than three months after such
42 vacancy occurs and, until the vacancy shall be so filled, the board of
43 supervisors or the supervisor or supervisors of the [~~affected district~~]
44 area for which the court was established if such [~~district~~] area
45 consists of a portion of a county or, in counties with an elected county
46 executive officer, such county executive officer may, subject to confir-
47 mation by the board of supervisors or the supervisor or supervisors of
48 such [~~district~~] area, fill such vacancy by an appointment which shall
49 continue until and including the last day of December next after the
50 election at which the vacancy shall be filled. The appointing authority
51 shall consider whether the appointment of such judge or justice results
52 in a judiciary that reflects the diversity of the citizenry of the
53 jurisdiction for which the judge or justice is appointed, including, but
54 not limited to, diversity in race, ethnicity, gender, religion, sexual
55 orientation, nature of legal practice or professional background.

1 e. When a vacancy shall occur, otherwise than by expiration of term,
2 in the office of judge of a municipal court outside the city of New York
3 established pursuant to paragraph (2) of subdivision b of section nine
4 of this article, it shall be filled in the manner provided by law.

5 § 15. Resolved (if the Assembly concur), That subdivisions a, b, e, f
6 and g of section 16 of article 6 of the constitution, as renumbered by
7 section eight of this resolution, be amended to read as follows:

8 a. There shall be a commission on judicial conduct. The commission on
9 judicial conduct shall receive, initiate, investigate and hear
10 complaints with respect to the conduct, qualifications, fitness to
11 perform or performance of official duties of any judge or justice of the
12 unified court system, in the manner provided by law; and, in accordance
13 with subdivision d of this section, may determine that a judge or
14 justice be admonished, censured or removed from office for cause,
15 including, but not limited to, misconduct in office, persistent failure
16 to perform [~~his or her~~] the duties of office, habitual intemperance, and
17 conduct, on or off the bench, prejudicial to the administration of
18 justice, or that a judge or justice be retired for mental or physical
19 disability preventing the proper performance of [~~his or her~~] the judge's
20 or justice's judicial duties. The commission shall transmit [~~an~~] any
21 such determination to the chief judge of the court of appeals who shall
22 cause written notice of such determination to be given to the judge or
23 justice involved. Such judge or justice may either accept the commis-
24 sion's determination or make written request to the chief judge, within
25 thirty days after receipt of such notice, for a review of such determi-
26 nation by the court of appeals.

27 b. (1) The commission on judicial conduct shall consist of eleven
28 members, of whom four shall be appointed by the governor, one by the
29 temporary president of the senate, one by the minority leader of the
30 senate, one by the speaker of the assembly, one by the minority leader
31 of the assembly and three by the chief judge of the court of appeals. Of
32 the members appointed by the governor one person shall be a member of
33 the bar of the state but not a judge or justice, two shall not be
34 members of the bar, justices or judges or retired justices or judges of
35 the unified court system, and one shall be a judge or justice of the
36 unified court system. Of the members appointed by the chief judge one
37 person shall be a justice of the appellate division of the supreme court
38 and two shall be judges or justices of a court or courts other than the
39 court of appeals or appellate divisions. None of the persons to be
40 appointed by the legislative leaders shall be justices or judges or
41 retired justices or judges.

42 (2) [~~The persons first appointed by the governor shall have respec-~~
43 ~~tively one, two, three, and four year terms as the governor shall desig-~~
44 ~~nate. The persons first appointed by the chief judge of the court of~~
45 ~~appeals shall have respectively two, three, and four year terms as the~~
46 ~~governor shall designate. The person first appointed by the temporary~~
47 ~~president of the senate shall have a one year term. The person first~~
48 ~~appointed by the minority leader of the senate shall have a two year~~
49 ~~term. The person first appointed by the speaker of the assembly shall~~
50 ~~have a four year term. The person first appointed by the minority leader~~
51 ~~of the assembly shall have a three year term.]~~ Each member of the
52 commission shall be appointed [~~thereafter~~] for a term of four years.
53 Commission membership of a judge or justice appointed by the governor or
54 the chief judge shall terminate if such member ceases to hold the judi-
55 cial position which qualified [~~him or her~~] such member for such appoint-
56 ment. Membership shall also terminate if a member attains a position

1 which would have rendered [~~him or her~~] such member ineligible for
2 appointment at the time of appointment. A vacancy shall be filled by the
3 appointing officer for the remainder of the term.

4 e. The court of appeals may suspend a judge or justice from exercising
5 the powers of [~~his or her~~] office while there is pending a determination
6 by the commission on judicial conduct for [~~his or her~~] such judge's or
7 justice's removal or retirement, or while the judge or justice is
8 charged in this state with a felony by an indictment or an information
9 filed pursuant to section six of article one. The suspension shall
10 continue upon conviction and, if the conviction becomes final, the judge
11 or justice shall be removed from office. The suspension shall be termi-
12 nated upon reversal of the conviction and dismissal of the accusatory
13 instrument. Nothing in this subdivision shall prevent the commission on
14 judicial conduct from determining that a judge or justice be admonished,
15 censured, removed, or retired pursuant to subdivision a of this section.

16 f. Upon the recommendation of the commission on judicial conduct or on
17 its own motion, the court of appeals may suspend a judge or justice from
18 office when [~~he or she~~] such judge or justice is charged with a crime
19 punishable as a felony under the laws of this state, or any other crime
20 which involves moral turpitude. The suspension shall continue upon
21 conviction and, if the conviction becomes final, the judge or justice
22 shall be removed from office. The suspension shall be terminated upon
23 reversal of the conviction and dismissal of the accusatory instrument.
24 Nothing in this subdivision shall prevent the commission on judicial
25 conduct from determining that a judge or justice be admonished,
26 censured, removed, or retired pursuant to subdivision a of this section.

27 g. A judge or justice who is suspended from office by the court of
28 appeals shall receive [~~his or her~~] such judge's or justice's judicial
29 salary during such period of suspension, unless the court directs other-
30 wise. If the court has so directed and such suspension is thereafter
31 terminated, the court may direct that the judge or justice shall be paid
32 [~~his or her~~] any salary [~~for~~] not received during such period of suspen-
33 sion.

34 § 16. Resolved (if the Assembly concur), That section 17 of article 6
35 of the constitution, as renumbered by section eight of this resolution,
36 be amended to read as follows:

37 § 17. a. Judges of the court of appeals and justices of the supreme
38 court may be removed by concurrent resolution of both houses of the
39 legislature, if two-thirds of all the members elected to each house
40 concur therein.

41 b. Judges of [~~the court of claims, the county court, the surrogate's~~
42 ~~court, the family court, the courts for the city of New York established~~
43 ~~pursuant to section fifteen of this article,~~] the [~~district~~] municipal
44 court and such other courts as the legislature may determine may be
45 removed by the senate, on the recommendation of the governor, if two-
46 thirds of all the members elected to the senate concur therein.

47 c. No judge or justice shall be removed by virtue of this section
48 except for cause, which shall be entered on the journals, nor unless [~~he~~
49 ~~or she~~] such judge or justice shall have been served with a statement of
50 the cause alleged, and shall have had an opportunity to be heard. On the
51 question of removal, the yeas and nays shall be entered on the journal.

52 § 17. Resolved (if the Assembly concur), That section 18 of article 6
53 of the constitution, as renumbered by section eight of this resolution,
54 be amended to read as follows:

55 § 18. The assembly shall have the power of impeachment by a vote of a
56 majority of all the members elected thereto. The court for the trial of

1 impeachments shall be composed of the president of the senate, the
2 senators, or the major part of them, and the judges of the court of
3 appeals, or the major part of them. On the trial of an impeachment
4 against the governor or lieutenant-governor, neither the lieutenant-gov-
5 ernor nor the temporary president of the senate shall act as a member of
6 the court. No judicial officer shall exercise ~~[his or her]~~ the powers of
7 office after articles of impeachment against ~~[him or her]~~ such officer
8 shall have been preferred to the senate, until ~~[he or she]~~ such officer
9 shall have been acquitted. Before the trial of an impeachment, the
10 members of the court shall take an oath or affirmation truly and impar-
11 tially to try the impeachment according to the evidence, and no person
12 shall be convicted without the concurrence of two-thirds of the members
13 present. Judgment in cases of impeachment shall not extend further than
14 to removal from office, or removal from office and disqualification to
15 hold and enjoy any public office of honor, trust, or profit under this
16 state; but the party impeached shall be liable to indictment and punish-
17 ment according to law.

18 § 18. Resolved (if the Assembly concur), That section 19 of article 6
19 of the constitution, as renumbered by section eight of this resolution,
20 be amended to read as follows:

21 § 19. ~~[a.]~~ The compensation of a judge of the court of appeals, a
22 justice of the supreme court, a judge of ~~[the]~~ a municipal court ~~[of~~
23 ~~claims, a judge of the county court, a judge of the surrogate's court, a~~
24 ~~judge of the family court, a judge of a court for the city of New York~~
25 ~~established pursuant to section fifteen of this article, a judge of the~~
26 ~~district court or of], and~~ a retired judge or justice shall be estab-
27 lished by law and shall not be diminished during the term of office for
28 which ~~[he or she]~~ such judge or justice was elected or appointed. ~~[Any~~
29 ~~judge or justice of a court abolished by section thirty-five of this~~
30 ~~article, who pursuant to that section becomes a judge or justice of a~~
31 ~~court established or continued by this article, shall receive without~~
32 ~~interruption or diminution for the remainder of the term for which he or~~
33 ~~she was elected or appointed to the abolished court the compensation he~~
34 ~~or she had been receiving upon the effective date of this article~~
35 ~~together with any additional compensation that may be prescribed by law.~~

36 ~~b. Each judge of the court of appeals, justice of the supreme court,~~
37 ~~judge of the court of claims, judge of the county court, judge of the~~
38 ~~surrogate's court, judge of the family court, judge of a court for the~~
39 ~~city of New York established pursuant to section fifteen of this article~~
40 ~~and judge of the district court shall retire on the last day of December~~
41 ~~in the year in which he or she reaches the age of seventy. Each such~~
42 ~~former judge of the court of appeals and justice of the supreme court~~
43 ~~may thereafter perform the duties of a justice of the supreme court,~~
44 ~~with power to hear and determine actions and proceedings, provided,~~
45 ~~however, that it shall be certificated in the manner provided by law~~
46 ~~that the services of such judge or justice are necessary to expedite the~~
47 ~~business of the court and that he or she is mentally and physically able~~
48 ~~and competent to perform the full duties of such office. Any such~~
49 ~~certification shall be valid for a term of two years and may be extended~~
50 ~~as provided by law for additional terms of two years. A retired judge or~~
51 ~~justice shall serve no longer than until the last day of December in the~~
52 ~~year in which he or she reaches the age of seventy six. A retired judge~~
53 ~~or justice shall be subject to assignment by the appellate division of~~
54 ~~the supreme court of the judicial department of his or her residence.~~
55 ~~Any retired justice of the supreme court who had been designated to and~~
56 ~~served as a justice of any appellate division immediately preceding his~~

~~or her reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. A retired judge or justice shall not be counted in determining the number of justices in a judicial district for purposes of subdivision of section six of this article.~~

~~c. The provisions of this section shall also be applicable to any judge or justice who has not reached the age of seventy-six and to whom it would otherwise have been applicable but for the fact that he or she reached the age of seventy and retired before the effective date of this article.]~~

§ 19. Resolved (if the Assembly concur), That section 20 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 20. a. A justice of the supreme court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district ~~[or to the court of claims]~~. A justice of the supreme court ~~[in the city of New York]~~ may be ~~[temporarily]~~ assigned to ~~[the family court in the city of New York or to the surrogate's court in any county within the city of New York when required to dispose of the business]~~ any division or divisions of such court.

~~b. [A judge of the court of claims may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district.]~~

~~c. A judge of the county court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the surrogate's court in any county outside the city of New York or to a court for the city of New York established pursuant to section fifteen of this article.~~

~~d. A judge of the surrogate's court in any county within the city of New York may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence.~~

~~e. A judge of the surrogate's court in any county outside the city of New York may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to a court for the city of New York established pursuant to section fifteen of this article.~~

~~f. A judge of the family court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the surrogate's court in any county outside of the city of New York or to a court for the city of New York established pursuant to section fifteen of this article.~~

~~g. A judge of a court for the city of New York established pursuant to section fifteen of this article may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the other court for the city of New York established pursuant to section fifteen of this article.~~

~~h.]~~ A judge of ~~[the district]~~ a municipal court ~~[in any county]~~ may perform the duties of office or hold court in any county ~~[and]~~, may be ~~[temporarily]~~ assigned to ~~[the county court in the judicial department]~~

1 ~~any district~~ of ~~[his or her residence or to a]~~ such judge's court ~~[for~~
2 ~~the city of New York established pursuant to section fifteen of this~~
3 ~~article or]~~, and may be temporarily assigned to ~~[the district]~~ any
4 municipal, town, or village court in ~~[any county]~~ the judicial depart-
5 ment of such judge's residence. As may be provided by law, a judge of a
6 municipal court also may be temporarily assigned to the supreme court in
7 the judicial department of such judge's residence. Housing judges of
8 the city-wide court of civil jurisdiction established pursuant to former
9 section fifteen of this article who became judges of the municipal court
10 in the city of New York pursuant to subparagraph C of paragraph (1) of
11 subdivision c of section twenty-seven of this article and their succes-
12 sors in office shall be assigned to the housing division of such municipi-
13 pal court but may preside over any action or proceeding pending in such
14 municipal court and may be temporarily assigned to the same courts as
15 any other municipal court judge. Any other judge of the municipal court
16 in the city of New York may be assigned to such housing division.

17 ~~[i. Temporary assignments of all the foregoing judges or justices~~
18 ~~listed in this section, and of judges of the city courts pursuant to~~
19 ~~paragraph two of subdivision j of this section, shall be made by the~~
20 ~~chief administrator of the courts in accordance with standards and~~
21 ~~administrative policies established pursuant to section twenty-eight of~~
22 ~~this article.~~

23 ~~j.-(1)]~~ c. The legislature may provide for temporary assignments with-
24 in the county of residence or any adjoining county~~[r]~~ of ~~[judges]~~
25 justices of town~~[r]~~ and village ~~[or city]~~ courts ~~[outside the city of~~
26 ~~New York]~~. Such assignments may include temporary assignment to a
27 municipal court outside the city of New York provided the justice so
28 assigned has been permitted to practice law in this state for at least
29 five years or such greater number of years as the legislature may deter-
30 mine.

31 ~~[(2) In addition to any temporary assignments to which a judge of a~~
32 ~~city court may be subject pursuant to paragraph one of this subdivision,~~
33 ~~such judge also may be temporarily assigned by the chief administrator~~
34 ~~of the courts to the county court, the family court or the district~~
35 ~~court within his or her county of residence or any adjoining county~~
36 ~~provided he or she is not permitted to practice law.~~

37 ~~k-]~~ d. Temporary assignments of all the foregoing judges and justices
38 listed in this section shall be made by the chief administrator of the
39 courts in accordance with standards and administrative policies estab-
40 lished pursuant to section twenty-two of this article, provided the
41 chief administrator of the courts shall consider whether the temporary
42 assignment of such judge or justice results in a judiciary that reflects
43 the diversity of the citizenry of the jurisdiction to which and from
44 which the judge or justice is transferred, including, but not limited
45 to, diversity in race, ethnicity, gender, religion, sexual orientation,
46 and judicial experience or professional background.

47 e. While temporarily assigned pursuant to the provisions of this
48 section, any judge or justice shall have the powers, duties and juris-
49 diction of a judge or justice of the court to which assigned. After the
50 expiration of any temporary assignment, as provided in this section, the
51 judge or justice assigned shall have all the powers, duties and juris-
52 diction of a judge or justice of the court to which ~~[he or she]~~ such
53 judge or justice was assigned with respect to matters pending before
54 ~~[him or her]~~ such judge or justice during the term of such temporary
55 assignment.

§ 20. Resolved (if the Assembly concur), That section 21 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 21. The governor may, when in ~~[his or her]~~ of the opinion that the public interest requires, appoint extraordinary terms of the supreme court. The governor shall designate the time and place of holding the term and the justice who shall hold the term. The governor may terminate the assignment of the justice and may name another justice in ~~[his or her]~~ such justice's place to hold the term.

§ 21. Resolved (if the Assembly concur), That subdivision b of section 22 of article 6 of the constitution, such section as renumbered by section eight of this resolution, be amended to read as follows:

b. The chief administrator, on behalf of the chief judge, shall supervise the administration and operation of the unified court system. In the exercise of such responsibility, the chief administrator of the courts shall have such powers and duties as may be delegated to ~~[him or her]~~ the chief administrator by the chief judge and such additional powers and duties as may be provided by law. When appointing administrative judges, the chief administrator of the courts shall consider whether such appointments reflect the diversity of the citizenry of the state of New York, including, but not limited to, diversity in race, ethnicity, gender, religion, sexual orientation, and judicial experience or professional background.

§ 22. Resolved (if the Assembly concur), That subdivision a of section 23 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

a. The legislature shall provide for the allocation of the cost of operating and maintaining the court of appeals, the appellate division of the supreme court in each judicial department, the appellate terms, the supreme court, and the ~~[court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article and the district court,]~~ municipal courts among the state, the counties, the city of New York, and other political subdivisions.

§ 23. Resolved (if the Assembly concur), That section 24 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 24. The legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised. The legislature may, on such terms as it shall provide and subject to subsequent modification, delegate, in whole or in part, to a court, including the appellate division of the supreme court, or to the chief administrator of the courts, any power possessed by the legislature to regulate practice and procedure in the courts. The chief administrator of the courts shall exercise any such power delegated to ~~[him or her]~~ the chief administrator with the advice and consent of the administrative board of the courts. Nothing herein contained shall prevent the adoption of regulations by individual courts consistent with the general practice and procedure as provided by statute or general rules.

§ 24. Resolved (if the Assembly concur), That article 6 of the constitution be amended by adding a new section 27 to read as follows:

§ 27. a. (1) The justices of the supreme court in office on December thirty-first, two thousand twenty-four shall, for the remainder of the terms for which they were selected, be justices of the supreme court in and for the judicial district in which they were elected or for which

1 they were appointed. Retired justices who, on December thirty-first, two
2 thousand twenty-four, were authorized to perform the duties of a justice
3 of the supreme court pursuant to certification in accordance with the
4 provisions of subdivision b of former section twenty-five of this arti-
5 cle, shall be certificated justices of the supreme court for the remain-
6 der of the terms for which they were certificated and thereafter shall
7 be eligible for further certification in accordance with this article.
8 Each designation of a justice of the supreme court to the appellate
9 division or an appellate term in effect on December thirty-first, two
10 thousand twenty-four, not otherwise required to expire on account of any
11 provision of this article then in effect, shall continue in effect on
12 January first, two thousand twenty-five.

13 (2) Effective January first, two thousand twenty-five, each action and
14 proceeding pending in the supreme court on December thirty-first, two
15 thousand twenty-four shall be deemed pending in the supreme court in the
16 county in which such action or proceeding was pending on such date, or
17 otherwise as may be provided by law.

18 b. (1) Effective October first, two thousand twenty-five:

19 A. the court of claims shall be abolished;

20 B. each action and proceeding pending in the court of claims on
21 September thirtieth, two thousand twenty-five shall be deemed pending in
22 the supreme court in the county in which such action or proceeding
23 arose, or otherwise as may be provided by law;

24 C. each judge of the city-wide court of civil jurisdiction or the
25 city-wide court of criminal jurisdiction of the city of New York, as
26 established pursuant to former section fifteen of this article, or of
27 the family court in such city, who, on September thirtieth, two thousand
28 twenty-five and continuously throughout the six-month period immediately
29 preceding such date, was temporarily assigned to the supreme court
30 pursuant to former section twenty-six of this article shall, for the
31 remainder of the term of office in which such judge was then serving, be
32 a justice of the supreme court in and for the judicial district in which
33 such judge was elected to such term or, if appointed, in which such
34 judge resided on such date. Thereafter, the office of such judge shall
35 be an office of justice of the supreme court, to be filled in the same
36 manner and for the same term as provided by this article on December
37 thirty-first, two thousand twenty-four for a judge of the court from
38 which such judge was assigned to serve on the supreme court, provided
39 that where such justice is appointed by the mayor of the city of New
40 York, the mayor of the city of New York shall consider whether the
41 appointment of such justice results in a judiciary that reflects the
42 diversity of the citizenry of the jurisdiction for which justice is
43 appointed, including, but not limited to, diversity in race, ethnicity,
44 gender, religion, sexual orientation, and nature of legal practice or
45 professional background.

46 (2) Effective January first, two thousand twenty-eight:

47 A. the county court, the surrogate's court, and the family court shall
48 be abolished; and

49 B. each action and proceeding pending in a court abolished pursuant to
50 subparagraph A of this paragraph on December thirty-first, two thousand
51 twenty-seven shall be deemed pending in the supreme court in the county
52 in which such action or proceeding was pending on such date, or other-
53 wise as may be provided by law.

54 (3) Upon abolition of the courts specified in subparagraph A of para-
55 graph (1) and subparagraph A of paragraph (2) of this subdivision, their
56 seals, records, papers, and documents shall be deposited in the offices

1 of the clerks of the supreme court of such counties as may be provided
2 by law. Each of the judges of these courts in office on the date of
3 their abolition shall, for the remainder of the term of office for which
4 such judge was selected to the abolished court, be a justice of the
5 supreme court in and for the judicial district in which such judge was
6 elected to such term or, if appointed, in which such judge resided on
7 such date. Thereafter, the office of such judge shall be an office of
8 justice of the supreme court, to be filled in the same manner and for
9 the same term as provided by this article on December thirty-first, two
10 thousand twenty-four for the office held by the judge on the abolished
11 court, provided that where such justice is appointed, the appointing
12 authority shall consider whether the appointment of such justice results
13 in a judiciary that reflects the diversity of the citizenry of the
14 jurisdiction for which the justice is appointed, including, but not
15 limited to, diversity in race, ethnicity, gender, religion, sexual
16 orientation, and nature of legal practice or professional background.

17 c. Effective January first, two thousand thirty:

18 (1) A. the city-wide courts of civil and criminal jurisdiction for the
19 city of New York established pursuant to former section fifteen of this
20 article shall be abolished;

21 B. each action and proceeding pending in a court abolished pursuant to
22 subparagraph A of this paragraph on December thirty-first, two thousand
23 twenty-nine shall be deemed pending in the municipal court in the city
24 of New York; and

25 C. each judge of a court specified in subparagraph A of this paragraph
26 in office on the date of its abolition shall, for the remainder of the
27 term of office such judge was then serving on the abolished court, be a
28 judge of the municipal court in the city of New York. Thereafter, such
29 judge's office shall be an office of judge of the municipal court in the
30 city of New York, to be filled in the same manner and for the same term
31 as provided by this article on December thirty-first, two thousand twen-
32 ty-four for the office held by such judge on such date, provided that
33 where such judge is appointed by the mayor of the city of New York, the
34 mayor of the city of New York shall consider whether the appointment of
35 such judge results in a judiciary that reflects the diversity of the
36 citizenry of the city of New York, including, but not limited to, diver-
37 sity in race, ethnicity, gender, religion, sexual orientation, and
38 nature of legal practice or professional background. For purposes of
39 this paragraph, housing judges for the city-wide court of civil juris-
40 diction in office on December thirty-first, two thousand twenty-nine
41 shall be deemed judges of such city-wide court of civil jurisdiction on
42 such date; provided, however, the successors in office to each such
43 housing judge shall be residents of the city of New York and, subject to
44 the provisions of subdivision c of section fifteen of this article,
45 shall be appointed for a term of ten years by the mayor of such city
46 from a list of persons found qualified by an advisory council estab-
47 lished by law, which shall construct such list to reflect the diversity
48 of the city of New York, including, but not limited to, diversity in
49 race, ethnicity, gender, religion, sexual orientation, and nature of
50 legal practice or professional background.

51 (2) A. the district courts heretofore continued or established in
52 Nassau and Suffolk counties pursuant to former section sixteen of this
53 article shall be continued as municipal courts and deemed to have been
54 established pursuant to paragraph (1) of subdivision b of section nine
55 of this article;

1 B. each action and proceeding pending in a district court on December
2 thirty-first, two thousand twenty-nine shall be deemed pending in the
3 municipal court that is the successor to such district court established
4 pursuant to paragraph (1) of subdivision b of section nine of this arti-
5 cle; and

6 C. each judge of a district court in office on December thirty-first,
7 two thousand twenty-nine shall, for the remainder of the term for which
8 such judge was selected, be a judge of the municipal court that is the
9 successor to such district court established pursuant to paragraph (1)
10 of subdivision b of section nine of this article.

11 (3) A. the city courts outside the city of New York, as authorized by
12 former section seventeen of this article, shall be continued as municip-
13 al courts for the cities in which they were located on December thir-
14 ty-first, two thousand twenty-nine and shall be deemed to have been
15 established pursuant to paragraph (2) of subdivision b of section nine
16 of this article;

17 B. each action and proceeding pending in a city court outside the city
18 of New York on December thirty-first, two thousand twenty-nine shall be
19 deemed pending in the municipal court that is the successor to such city
20 court established pursuant to paragraph (2) of subdivision b of section
21 nine of this article; and

22 C. each judge of a city court in office on December thirty-first, two
23 thousand twenty-nine shall, for the remainder of the term for which such
24 judge was selected, be a judge of such municipal court that is the
25 successor to such city court established pursuant to paragraph (2) of
26 subdivision b of section nine of this article.

27 (4) Upon abolition of the courts specified in subparagraph A of para-
28 graph (1) and subparagraph A of paragraph (3) of this subdivision, and
29 continuation of the district courts authorized by former section sixteen
30 of this article as municipal courts, their seals, records, papers, and
31 documents shall become the seals, records, papers, and documents of the
32 appropriate municipal court as may be provided by law.

33 d. In the event that a judgment or order was entered before the date
34 of abolition of a court hereunder, or continuation of a court as another
35 court, and a right of appeal existed and notice of appeal therefrom is
36 filed after such date, such appeal shall be taken to such court as it
37 might have been taken before the effective date of this section, except
38 such an appeal from a city, town, or village court in the third or
39 fourth judicial department shall be taken to any appellate term that has
40 been established if, prior to December thirty-first, two thousand twen-
41 ty-nine, such appeal could have been taken thereto or, otherwise, to the
42 supreme court. Further appeal from a decision of an appellate court in
43 an action subject to this paragraph shall be as provided by law,
44 consistent with this article.

45 e. In the event that an appeal was decided by a county court before
46 January first, two thousand twenty-eight and a further appeal could be
47 taken as of right and notice of appeal therefrom is filed after such
48 date, such appeal may be taken to any appellate court to which such an
49 appeal could have been taken prior to such date. Further appeal from a
50 decision of such appellate court shall be governed by the provisions of
51 this article. If a further appeal could not be taken as of right, such
52 appeal shall be governed by the provisions of this article.

53 f. Subject to appropriation of sufficient funds, the nonjudicial
54 personnel of the courts abolished or continued by this section in office
55 on the date of abolition or continuation shall be continued without
56 decrease in salaries and with the same status and rights in the courts

1 established or continued by this article; and especially skilled, expe-
2 rienced, and trained personnel shall be assigned to like functions in
3 the municipal court or the supreme court, as appropriate.

4 g. Notwithstanding any provision of this article to the contrary,
5 where there is an adjustment in the number of the judicial departments
6 of the state or in the boundaries of such departments pursuant to para-
7 graph (2) of subdivision a of section four of this article:

8 (1) The legislature shall provide for the transfer of appeals then
9 pending in the appellate division or in an appellate term in each
10 department so adjusted to the appellate division or an appellate term,
11 respectively, for the department in which such appeals could have been
12 taken had such adjustment been effective on the date such appeal was
13 taken, or if no appellate term has been established therefor, to the
14 supreme court.

15 (2) The governor may re-apportion, among the departments so adjusted,
16 the justices theretofore designated to the appellate divisions thereof,
17 provided that: (i) the presiding justice of any judicial department
18 affected by such adjustment shall be the presiding justice of the
19 department that includes the county of such justice's residence for the
20 remainder of such justice's term of office, unless there already is a
21 presiding justice in such department, in which event the presiding
22 justice of the judicial department affected by such adjustment shall
23 serve as a justice in such department for the duration of the term of
24 office for which such justice was designated as presiding justice; and

25 (ii) each other justice designated pursuant to subdivision c of
26 section four of this article to the appellate division of any department
27 so adjusted shall, for the remainder of the term for which such justice
28 was so designated, be a justice of the department to which such justice
29 is re-apportioned.

30 (3) Where compliance with paragraph (2) of this subdivision is incon-
31 sistent with the provisions of section four of this article as to a
32 judicial department affected by such adjustment, until such time as
33 there is compliance with such provisions all subsequent designations of
34 justices by the governor to the appellate division of such department
35 shall be as provided by law.

36 (4) If a department is abolished, the legislature shall provide for
37 the deposit of the seals, records, papers, and documents of the appel-
38 late division thereof, as appropriate.

39 § 25. Resolved (if the Assembly concur), That article 6 of the consti-
40 tution be amended by adding a new section 29 to read as follows:

41 § 29. a. Except as provided in subdivision b of this section, this
42 article and all amendments thereto, as heretofore approved and ratified
43 by the people, shall remain in full force and effect.

44 b. The repeal of sections nine, ten, eleven, twelve, thirteen, four-
45 teen, sixteen, subdivision j of section twenty-two and sections thirty-
46 four, thirty-five, thirty-six, thirty-six-a, thirty-six-c, and thirty-
47 seven of this article, the amendments to sections one, two, four, six,
48 seven, and eight of this article, the renumbering of and, as renumbered,
49 the amendments to sections nine, eleven, thirteen, fourteen, fifteen,
50 sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-
51 three, and twenty-four of this article, the amendment of subdivision b
52 of section twenty-two, such section as renumbered herein, the renumber-
53 ing of sections twelve, sixteen, eighteen, twenty-one, twenty-two, twen-
54 ty-four, twenty-five, twenty-six, and twenty-eight of this article, and
55 the addition of new sections ten, twenty-seven, and twenty-nine of this
56 article, as first proposed by a concurrent resolution passed by the

1 legislature in the year two thousand twenty-two, entitled "CONCURRENT
2 RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to article 6
3 of the constitution, in relation to consolidation of the unified court
4 system, and the repeal of sections 9, 10, 11, 12, 13, 14, 16, subdivi-
5 sion j of section 22 and sections 34, 35, 36, 36-a, 36-c and 37 of arti-
6 cle 6 of the constitution relating thereto", shall become a part of the
7 constitution on January first, two thousand twenty-five and shall be
8 effective on such date; provided paragraph (2) of subdivision d of
9 section six of this article, as added by the amendments hereunder to
10 such section six, shall not be effective until the first day of January,
11 two thousand twenty-eight.

12 c. Notwithstanding subdivision b of this section, the provisions of
13 this article in effect on December thirty-first, two thousand twenty-
14 four shall continue to apply to any court or courts specified in such
15 provisions, and the judge or judges thereof, until the abolition of such
16 court or courts as provided pursuant to section twenty-seven of this
17 article.

18 § 26. Resolved (if the Assembly concur), That the foregoing amendments
19 be referred to the first regular legislative session convening after the
20 next succeeding general election of members of the assembly, and, in
21 conformity with section 1 of article 19 of the constitution, be
22 published for 3 months previous to the time of such election.