

STATE OF NEW YORK

3358

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

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

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
18 powers in criminal matters of a constable of a town in the state of New
19 York. It shall also be the duty of the police officers of the city to
20 execute all criminal processes and mandates of the court. Neither an

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

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1 enforcement officer nor a police officer shall receive any fee or
2 compensation for the service or execution of any criminal process or
3 mandate issued out of the court.

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

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

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

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