

STATE OF NEW YORK

3757

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 25 of article 6 of the constitution, in relation to service by retired justices and requiring judges and justices to retire at age 76

1 Section 1. Resolved (if the Senate concur), That subdivision b of
2 section 25 of article 6 of the constitution be amended to read as
3 follows:
4 b. Each judge of the court of appeals, justice of the supreme court,
5 judge of the court of claims, judge of the county court, judge of the
6 surrogate's court, judge of the family court, judge of a court for the
7 city of New York established pursuant to section fifteen of this article
8 and judge of the district court shall retire on the last day of December
9 in the year in which [~~he or she~~] such judge or justice reaches the age
10 of [~~seventy~~] seventy-six. Each [~~such~~] former judge of the court of
11 appeals and justice of the supreme court may thereafter perform the
12 duties of a justice of the supreme court, with power to hear and deter-
13 mine actions and proceedings, provided, however, that it shall be
14 certificated in the manner provided by law that the services of such
15 judge or justice are necessary to expedite the business of the court and
16 that [~~he or she~~] such judge or justice is mentally and physically able
17 and competent to perform the full duties of such office. Any such
18 certification shall be valid for a term of two years and may be extended
19 as provided by law for an additional term or terms of two years in the
20 manner provided by law. A retired judge or justice shall serve no longer
21 than until the last day of December in the year in which [~~he or she~~
22 ~~reaches~~] they reach the age of [~~seventy-six~~] eighty. A retired judge or
23 justice shall be subject to assignment by the appellate division of the
24 supreme court of the judicial department of [~~his or her~~] their resi-
25 dence. Any retired justice of the supreme court who had been designated
26 to and served as a justice of any appellate division immediately preced-

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

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1 ing [~~his or her~~] reaching the age of [~~seventy~~] seventy-six shall be
2 eligible for designation by the governor as a temporary or additional
3 justice of the appellate division. A retired judge or justice shall not
4 be counted in determining the number of justices in a judicial district
5 for purposes of subdivision d of section six of this article.
6 § 2. Resolved (if the Senate concur), That the foregoing be referred
7 to the first regular legislative session convening after the next
8 succeeding general election of members of the assembly, and, in conform-
9 ity with section 1 of article 19 of the constitution, be published for 3
10 months previous to the time of such election.