

# STATE OF NEW YORK

3877

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. DINOWITZ, BICHOTTE HERMELYN, REYES, TAYLOR, SIMON, GIGLIO, BLANKENBUSH, FALL, SEAWRIGHT, RAJKUMAR, ROSENTHAL, TANNOUSIS, ROZIC, JONES, RIVERA, DAVILA, JACKSON, BURDICK, BRAUNSTEIN, MORINELLO -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to making technical changes to provisions providing for certification for service as a retired judge of the court of appeals or a retired justice of the supreme court

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

1 Section 1. Section 114 of the judiciary law, as added by chapter 704  
2 of the laws of 1962, subdivision 1 as amended by chapter 751 of the laws  
3 of 1981, is amended to read as follows:

4 § 114. Retired judges of the court of appeals. 1. Any judge of the  
5 court of appeals, retired pursuant to subdivision b of section twenty-  
6 five of article six of the constitution, [~~may~~] shall, upon [~~his~~] their  
7 application, be certified by the administrative board for service as a  
8 justice of the supreme court upon findings (a) that [~~he~~] such retired  
9 judge has the mental and physical capacity to perform the duties of such  
10 office and (b) that [~~his~~] such retired judge's services are necessary to  
11 expedite the business of the supreme court. A copy of such certificate  
12 shall be filed with the appellate division of the department in which  
13 such retired judge resides and in the office of court administration.

14 2. Any such certification shall be valid for a term of two years  
15 beginning on the date of filing the certificate. At the expiration of  
16 such term, the retired judge [~~may~~] shall be certified for additional  
17 terms of two years each by the administrative board upon findings of  
18 continued mental and physical capacity and need for [~~his~~] their  
19 services. No retired judge may serve under any such certification beyond  
20 the last day of December in the year in which [~~he~~] such retired judge  
21 reaches the age of seventy-six.

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

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1 3. A retired judge so certified shall for all purposes, other than  
2 determining the number of justices in a judicial district for the  
3 purposes of subdivision d of section six of article six of the constitu-  
4 tion and section one hundred forty-a of this chapter, but including  
5 powers, duties, salary, status and rights, be a justice of the supreme  
6 court in the district in which [~~he~~] such retired judge resides when so  
7 certified. A retired judge shall be subject to assignment by the appel-  
8 late division of the supreme court of the judicial department of [~~his~~]  
9 their residence.

10 4. The provisions of this section shall also be applicable to a judge  
11 who has not yet reached the age of seventy-six and who reached the age  
12 of seventy and retired as a judge of the court of appeals prior to the  
13 effective date of this section.

14 § 2. Section 115 of the judiciary law, as added by chapter 704 of the  
15 laws of 1962, subdivision 1 as amended by chapter 751 of the laws of  
16 1981, is amended to read as follows:

17 § 115. Retired justices of the supreme court. 1. Any justice of the  
18 supreme court, retired pursuant to subdivision b of section twenty-five  
19 of article six of the constitution, [~~may~~] shall, upon [~~his~~] their appli-  
20 cation, be certified by the administrative board for service as a  
21 retired justice of the supreme court upon findings (a) that [~~he~~] such  
22 retired justice has the mental and physical capacity to perform the  
23 duties of such office and (b) that [~~his~~] their services are necessary to  
24 expedite the business of the supreme court. A copy of such certificate  
25 shall be filed with the appellate division of the department in which  
26 such retired justice resides and in the office of court administration.

27 2. Any such certification shall be valid for a term of two years  
28 beginning on the date of filing the certificate. At the expiration of  
29 such term the retired justice [~~may~~] shall be certified for additional  
30 terms of two years each by the administrative board upon findings of  
31 continued mental and physical capacity and need for [~~his~~] such retired  
32 justice's services. No retired justice may serve under any such certifi-  
33 cation beyond the last day of December in the year in which [~~he~~] such  
34 retired justice reaches the age of seventy-six.

35 3. A retired justice so certified shall for all purposes, other than  
36 determining the number of justices in a judicial district for the  
37 purposes of subdivision d of section six of article six of the constitu-  
38 tion and section one hundred forty-a of this chapter, but including  
39 powers, duties, salary, status and rights, be a justice of the supreme  
40 court in the district in which [~~he~~] such retired justice resides when so  
41 certified. A retired justice shall be subject to assignment by the  
42 appellate division of the supreme court of the judicial department of  
43 [~~his~~] their residence.

44 4. The provisions of this section shall also be applicable to a  
45 justice of the supreme court, a judge of the county court of a county  
46 within the city of New York, and a judge of the court of general  
47 sessions of the county of New York who has not yet reached the age of  
48 seventy-six and who reached the age of seventy and retired as such  
49 justice or judge prior to the effective date of this section.

50 § 3. This act shall take effect immediately.