STATE OF NEW YORK

964--B

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. LUNSFORD, GLICK, DAVILA, LAVINE, BRONSON, CLARK, McMAHON, VANEL, GRIFFIN, DINOWITZ, SHIMSKY, SIMON, BENEDETTO, SAYEGH, SCHIAVONI, WOERNER, BURROUGHS, GALLAGHER, P. CARROLL, SIMONE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform justice court act, the public officers law and the uniform city court act, in relation to allowing for justices to reside in any town, village or city within the same assembly district, county, or adjoining county as the court such justice serves and establishing minimum educational requirements for certain town and village justices

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

Section 1. The uniform justice court act is amended by adding a new section 106-c to read as follows:

§ 106-c. Residency of justices; part-time city court judges; retired attorneys.

1. (a) Notwithstanding any other provision of law to the contrary, any justice serving a term of office in a town or village court may reside in any town, village or city contained in whole or in part within the same assembly district as the court such justice serves, provided such assembly district is contained entirely within a single county.

(b) Where an assembly district encompasses two or more counties, any justice serving a term of office in a town or village court may reside in any town, village or city within the same county as the town or village such justice serves.

(c) In the event that there is an insufficient number of attorneys as provided for in paragraph (a) or (b) of this section with the necessary

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

LBD01318-04-6

educational requirements set forth in subdivision one or two of section one hundred five-a of this article, a county legislature or board of supervisors may enact a local law authorizing that any justice serving a term of office in a town or village court may reside in any county adjoining said county.

2. Notwithstanding any other provision of law to the contrary:

(a) a part-time town justice or part-time village justice may also serve a term of office as a part-time town justice or part-time village justice in one or more other towns or villages, provided they reside in accordance with paragraph (a), (b) or (c) of subdivision one of this section;

(b) a part-time city court judge may also serve a term of office as a part-time town justice or part-time village justice in one or more other towns or villages provided they reside in accordance with paragraph (a), (b) or (c) of subdivision one of this section; and

(c) a retired attorney who has been retired for not more than three years as of the date such retired attorney commences the duties of office and who at the time of such attorney's retirement met the minimum educational requirements set forth in section one hundred five-a of this article may serve a term of office as a town court justice or village court justice provided they reside in accordance with paragraph (a), (b) or (c) of subdivision one of this section. Provided, further, such retired attorney may continue to serve a term upon the expiration of their initial term of office, notwithstanding that such retired attorney is beyond the three years from the date of their retirement.

§ 2. The uniform justice court act is amended by adding a new section 105-a to read as follows:

§ 105-a. Minimum educational requirements of certain town and village justices.

1. Notwithstanding any other provision of law to the contrary, any justice serving a term of office in a town court or village court shall be an attorney duly admitted to practice law in the state, in good standing, for at least five years immediately prior to the date such justice commences the duties of office, or may be a retired attorney retired for not more than three years prior to the date such justice commences the duties of office and who at the time of such justice's retirement as an attorney was duly admitted to practice law in the state, and then in good standing, for at least five years immediately prior to such justice's retirement as an attorney.

2. Notwithstanding subdivision one of this section, any justice serving a term of office in a town or village in office on the effective date of this section who does not then possess the minimum educational requirements set forth in subdivision one of this section may continue in office to the end of such justice's term, provided that:

(a) if such justice has less than three years to the end of such justice's term as of the effective date of this section, such justice may run for re-election for one additional term; or

(b) such justice is a retired attorney who possesses the qualifications set forth in subdivision one of this section at the commencement of a term of office as a town justice or village justice pursuant to paragraph (c) of subdivision two of section one hundred six-a of this article, such retired attorney may run for re-election at the end of any term of office.

§ 3. Section 3 of the public officers law is amended by adding a new subdivision 10-a to read as follows:

10-a. Neither the provisions of this section nor of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which they shall be chosen or within which their official functions are required to be exercised, shall apply to the appointment of justices of a town or village court who resides in accordance with section one hundred six-c of the uniform justice court act.

§ 4. Section 2104 of the uniform city court act is amended by adding two new subdivisions (g) and (h) to read as follows:

(g) Neither the provisions of this section nor of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which they shall be chosen or within which their official functions are required to be exercised, shall apply to the appointment of judges of a city court outside of the city of New York who resides in accordance with section one hundred six-c of the uniform justice court act.

(h) Any part-time city court judge may serve a term of office as a part-time justice in any town or village in accordance with the residency requirements set forth in section one hundred six-c of the uniform justice court act.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.