S T A T E O F N E W Y O R K

1632

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI, GALEF, ROBINSON -- Multi-Sponsored by -- M. of A. HOOPER, MAYERSOHN -- 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 authorizing certain judges to continue to serve after they reach the age of seventy

Section 1. Resolved (if the Senate concur), That subdivision b of section 25 of article 6 of the constitution be amended to read as follows:

b. Each judge of the court of appeals, justice of the supreme court, judge of the court of claims, judge of the county court, judge of the surrogate's court, judge of the family court, judge of a court for the city of New York established pursuant to section fifteen of this article and judge of the district court shall retire on the last day of December in the year in which he or she reaches the age of seventy. Each such former judge of the court of appeals and justice of the supreme court may thereafter perform the duties of a justice of the supreme court, with power to hear and determine actions and proceedings, provided, however, that it shall be certificated in the manner provided by law that the services of such judge or justice are necessary to expedite the business of the court and that he or she is mentally and physically able and competent to perform the full duties of such office. EACH SUCH FORMER JUDGE OF THE COURT OF CLAIMS, JUDGE OF THE COUNTY COURT, JUDGE OF THE SURROGATE'S COURT, JUDGE OF THE FAMILY COURT, JUDGE OF A COURT FOR THE CITY OF NEW YORK ESTABLISHED PURSUANT TO SECTION FIFTEEN OF THIS ARTICLE AND JUDGE OF THE DISTRICT COURT MAY THEREAFTER CONTINUE TO PERFORM THE DUTIES OF HIS OR HER OFFICE, WITH POWER TO HEAR AND DETERMINE ACTIONS AND PROCEEDINGS, PROVIDED, HOWEVER, THAT IT SHALL BE CERTIFICATED IN THE MANNER PROVIDED BY LAW THAT THE SERVICES OF SUCH JUDGE ARE NECESSARY TO EXPEDITE THE BUSINESS OF THE COURT AND THAT HE OR

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

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SHE IS MENTALLY AND PHYSICALLY ABLE AND COMPETENT TO PERFORM THE FULL DUTIES OF SUCH OFFICE. Any such certification shall be valid for a term of two years and may be extended as provided by law for additional terms of two years. A retired judge or justice shall serve no longer than until the last day of December in the year in which he or she reaches the age of seventy-six. A retired judge or justice shall be subject to assignment by the appellate division of the supreme court of the judicial department of his or her residence. Any retired justice of the supreme court who had been designated to and 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 d of section six of this article.

S 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.