

3866

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the judiciary law, in relation to directing the commission on judicial nominations to forward to the governor all well qualified candidates for associate judge and/or chief judge

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 2 of section 63 of the judiciary law, as
- 2 amended by chapter 35 of the laws of 1983, is amended to read as
- 3 follows:
- 4 2. (a) In recognition of the unique responsibilities of the chief
- 5 judge of the court of appeals for policies of judicial administration,
- 6 for a vacancy in the office of chief judge the commission shall recom-
- 7 mend to the governor [seven] ALL WELL QUALIFIED persons WHO EXEMPLIFY
- 8 THE CRITERIA SET FORTH IN SUBDIVISION ONE OF THIS SECTION.
- 9 (b) For a vacancy in the office of associate judge, the commission
- 10 shall recommend to the governor [at least three persons and not more
- 11 than seven] ALL WELL QUALIFIED persons WHO EXEMPLIFY THE CRITERIA SET
- 12 FORTH IN SUBDIVISION ONE OF THIS SECTION. [Should more than one vacancy
- 13 exist at the same time in the office of associate judge, the number of
- 14 persons recommended by the commission to the governor shall be at least
- 15 three plus one additional person for each vacancy in such office, and
- 16 not more than seven plus one additional person for each vacancy in such
- 17 office.
- 18 (c) Should vacancies exist in the offices of chief judge and associate
- 19 judge at the same time, the commission shall recommend for the office of
- 20 associate judge the number of persons as provided in paragraph (b) of
- 21 this subdivision, provided, however, that in addition thereto the
- 22 commission may also recommend for associate judge any of the persons who
- 23 have been recommended to the governor for the office of chief judge.]
- 24 S 2. This act shall take effect immediately.

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