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

6220

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

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

AN ACT to amend the uniform justice court act and chapter 879 of the laws of 1936 providing an alternative form of government for certain counties, in relation to authorizing the village courts of Nassau county to grant preliminary injunctions and temporary restraining orders in connection with certain violations

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

Section 1. Paragraph 2 of subdivision (d) of section 2300 of the uniform justice court act is amended to read as follows:

2. Village courts in district court areas. Notwithstanding SUBPARAGRAPH (II) OF PARAGRAPH ONE OF subdivision (b) [(1) (ii)] of this section, a village court situated within a district of any district court shall not have the civil jurisdiction conferred in article two of this act, and its criminal jurisdiction shall be limited to that provided for in the act creating, or regulating the administration of, such district court; PROVIDED THAT, WITH RESPECT TO VILLAGE COURTS IN THE COUNTY OF NASSAU, AN INJUNCTION OR RESTRAINING ORDER OR NOTICE MAY ISSUE OUT OF OR BY SUCH COURT WHEN THE ACTIVITY COMPLAINED OF HAS AS ITS BASIS A VIOLATION OF LOCAL LAW OR ORDINANCE RELATING TO LAND USE, BUILDING REGULATION OR FIRE PREVENTION IN WHICH CASE, UPON THE MOTION OF THE PROSECUTING ATTORNEY IN ACCORDANCE WITH ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES, SUCH COURT MAY ISSUE A PRELIMINARY INJUNCTION OR A TEMPORARY RESTRAINING ORDER RESTRAINING SUCH ACTIVITY.

S 2. Section 2402 of chapter 879 of the laws of 1936 providing an alternative form of government for certain counties is amended to read as follows:

S 2402. Justices of the peace abolished; powers and jurisdiction of police justices transferred. All the powers, duties and jurisdiction of the justices of the peace in the several towns of the county are hereby

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

LBD07758-01-9

transferred to the district court of the county and the judges thereof, and the office of justice of the peace in the several towns of the county is abolished. All the powers, duties and jurisdiction of police justices of villages in the county, except as hereinafter provided, are hereby also transferred to the district court of the county and the judges thereof. The police justices of villages in the county shall have jurisdiction of violations of the ordinances and other regulations of the village and of violations of the vehicle and traffic law committed within the limits of the village, except in cases in which the charge is operating a motor vehicle or motor cycle while in an intoxicated condition. AN INJUNCTION OR RESTRAINING ORDER OR NOTICE MAY ISSUE OUT OF OR BY A VILLAGE COURT WHEN THE ACTIVITY COMPLAINED OF HAS AS ITS BASIS A VIOLATION OF LOCAL LAW OR ORDINANCE RELATING TO LAND USE, BUILDING REGULATION OR FIRE PREVENTION IN WHICH CASE, UPON THE MOTION OF THE PROSECUTING ATTORNEY IN ACCORDANCE WITH ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES, SUCH COURT MAY ISSUE A PRELIMINARY INJUNCTION OR A TEMPORARY RESTRAINING ORDER RESTRAINING SUCH ACTIVITY.

S 3. This act shall take effect on the first day of the first month commencing at least 120 days after it shall have become a law.