

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

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2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. CANESTRARI, McENENY, WEINSTEIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform city court act and the judiciary law, in relation to judges of city courts

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

1 Section 1. Paragraph 1 of subdivision (b) of section 2104 of the
2 uniform city court act, as amended by chapter 493 of the laws of 2006,
3 is amended to read as follows:
4 (1) be an attorney admitted to practice law in this state for at least
5 five years as of the date he or she commences the duties of office, and
6 be a resident of the city in which he or she is elected or appointed,
7 except that the judges of the Sherrill city court may reside anywhere in
8 either Oneida or Madison counties, the city court judge who serves in
9 the office that formerly was that of acting judge of the Oneida city
10 court may reside anywhere in Madison county, the judges of the Peekskill
11 city court may reside anywhere in Westchester county, the city court
12 judge who serves in the office that formerly was that of acting judge of
13 the Port Jervis city court may reside anywhere in either Sullivan or
14 Orange counties, the judges of the Hudson city court may reside anywhere
15 in Columbia county, the city court judge who serves in the office that
16 formerly was that of acting judge of the Mechanicville city court may
17 reside anywhere in Saratoga county, the judges of the Ogdensburg city
18 court may reside anywhere in St. Lawrence county, the judges of the
19 Rensselaer city court may reside anywhere in Rensselaer county and one
20 judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN

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

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1 THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY
2 COURT may reside anywhere in Albany county.

3 S 2. Subdivision (d) of section 2104 of the uniform city court act, as
4 amended by chapter 493 of the laws of 2006, is amended to read as
5 follows:

6 (d) The number of judges of the city court in each city shall be as
7 provided herein. Full-time judgeships are specifically so designated,
8 all others are part-time:

9	Par.	Name of city
10	1	Albany, [four] FIVE full-time [and one part-time];
11	2	Amsterdam, one full-time and one part-time;
12	3	Auburn, one full-time and one part-time;
13	4	Batavia, one full-time and one part-time;
14	5	Beacon, one full-time and one part-time;
15	6	Binghamton, two full-time and one part-time;
16	7	Buffalo, [thirteen] FOURTEEN full-time;
17	8	Canandaigua, one full-time and one part-time;
18	9	Cohoes, two;
19	10	Corning, one full-time and one part-time;
20	11	Cortland, one full-time and one part-time;
21	12	Dunkirk, one full-time and one part-time;
22	13	Elmira, two full-time;
23	14	Fulton, one full-time and one part-time;
24	15	Geneva, three;
25	16	Glen Cove, two;
26	17	Glens Falls, one full-time and one part-time;
27	18	Gloversville, one full-time and one part-time;
28	19	Hornell, two;
29	20	Hudson, two;
30	21	Ithaca, [one] TWO full-time [and one part-time];
31	22	Jamestown, [one] TWO full-time [and one part-time];
32	23	Johnstown, two;
33	24	Kingston, one full-time and one part-time;
34	25	Lackawanna, one full-time and one part-time;
35	26	Little Falls, two;
36	27	Lockport, [one] TWO full-time [and one part-time];
37	28	Long Beach, two full-time;
38	29	Mechanicville, two;
39	30	Middletown, [one] TWO full-time [and one part-time];
40	31	Mount Vernon, three full-time and one part-time;
41	32	Newburgh, [two] THREE full-time;
42	33	New Rochelle, [two] THREE full-time [and one part-time];
43	34	Niagara Falls, four full-time;
44	35	North Tonawanda, one full-time and one part-time;
45	36	Norwich, [two] ONE FULL-TIME AND ONE PART-TIME;
46	37	Ogdensburg, one full-time and one part-time;
47	38	Olean, one full-time and one part-time;
48	39	Oneida, [two] ONE FULL-TIME AND ONE PART-TIME;
49	40	Oneonta, two;
50	41	Oswego, one full-time and one part-time;
51	42	Peekskill, one full-time and one part-time;
52	43	Plattsburgh, one full-time and one part-time;
53	44	Port Jervis, two;
54	45	Poughkeepsie, two full-time;
55	46	Rensselaer, two;
56	47	Rochester, nine full-time;

1 48 Rome, [one] TWO full-time [and one part-time];
2 49 Rye, one full-time and one part-time;
3 50 Salamanca, two;
4 51 Saratoga Springs, [one] TWO full-time [and one part-time];
5 52 Schenectady, three full-time;
6 53 Sherrill, one;
7 54 Syracuse, eight full-time;
8 55 Tonawanda, one full-time and one part-time;
9 56 Troy, [one] TWO full-time and one part-time;
10 57 Utica, three full-time;
11 58 Watertown, one full-time and one part-time;
12 59 Watervliet, two;
13 60 White Plains, [three] FOUR full-time [and one part-time];
14 61 Yonkers, [six] SEVEN full-time.

15 S 3. Subparagraph (i) of paragraph 1 of subdivision (e) of section
16 2104 of the uniform city court act, as amended by chapter 493 of the
17 laws of 2006, is amended to read as follows:

18 (i) by the mayor of the city for which the court on which he or she
19 will serve has been established, with the advice and consent of the city
20 council: part-time city court judge of Beacon, part-time city court
21 judge of Corning, part-time city court judge of Cortland, part-time city
22 court judge of Gloversville, city court judge of Glen Cove who serves in
23 the office that on June first, two thousand one was an appointive office
24 pursuant to this subparagraph, [part-time city court judge of Ithaca,
25 part-time] city court judge of Jamestown WHO SERVES IN THE OFFICE THAT
26 ON JANUARY FIRST, TWO THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO
27 THIS SUBPARAGRAPH, part-time city court judge of Olean, city court judg-
28 es of Plattsburgh, city court judge of Port Jervis who serves in the
29 office that formerly was that of acting city court judge of Port Jervis,
30 city court judges of Rye, city court judge of Salamanca who serves in
31 the office that formerly was that of acting city court judge of Salaman-
32 ca and the part-time city court judge of Watertown.

33 S 4. The opening paragraph of subparagraph (iii) of paragraph 1 of
34 subdivision (e) of section 2104 of the uniform city court act, as
35 amended by chapter 493 of the laws of 2006, is amended to read as
36 follows:

37 by the mayor of the city for which the court on which he or she will
38 serve has been established: part-time city court judge of Binghamton,
39 city court judges of Cohoes, part-time city court judge of Dunkirk,
40 part-time city court judge of Fulton, city court judge of Geneva who
41 serves in the office that formerly was that of acting city court judge
42 of Geneva, city court judge of Hornell who serves in the office that
43 formerly was that of acting city court judge of Hornell, city court
44 judge of Hudson who serves in the office that formerly was that of
45 acting city court judge of Hudson, part-time city court judge of King-
46 ston, part-time city court judge of Lackawanna, city court judge of
47 Little Falls who serves in the office that formerly was that of acting
48 CITY court judge of Little Falls, [part-time city court judge of Lock-
49 port,] city court judge of Mechanicville who serves in the office that
50 formerly was that of acting city court judge of Mechanicville, [part-
51 time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT ON
52 JANUARY FIRST, TWO THOUSAND TEN WAS PART-TIME, part-time city court
53 judge of Mount Vernon, [part-time] city court [judge] JUDGES of New
54 Rochelle [and full-time city court judge of such city who serves in the
55 office created during the calendar year commencing January first, two
56 thousand one] WHO SERVE IN OFFICES THAT ON JANUARY FIRST, TWO THOUSAND

1 TEN WERE APPOINTIVE OFFICES PURSUANT TO THIS SUBPARAGRAPH, part-time
 2 city court judge of North Tonawanda, part-time city court judge of
 3 Ogdensburg, city court judge of Oneida who serves in the office that
 4 [formerly was that of acting city court judge of Oneida] ON JANUARY
 5 FIRST, TWO THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS
 6 SUBPARAGRAPH, city court judge of Oneonta who serves in the office that
 7 formerly was that of acting city court judge of Oneonta, part-time city
 8 court judge of Oswego, city court judges of Poughkeepsie, city court
 9 judge of Rensselaer who serves in the office that formerly was that of
 10 acting city court judge of Rensselaer, [part-time] city court judge of
 11 Saratoga Springs WHO SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO
 12 THOUSAND TEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH,
 13 part-time city court judge of Tonawanda and city court judge of Waterv-
 14 liet who serves in the office that formerly was that of acting city
 15 court judge of Watervliet. Provided, however, the following special
 16 provisions shall be applicable in the city of Poughkeepsie:

17 S 5. Section 221-i of the judiciary law, as amended by chapter 493 of
 18 the laws of 2006, is amended to read as follows:

19 S 221-i. Salary of judges of the city courts outside the city of New
 20 York. The annual salary of each judge of a city court outside the city
 21 of New York shall be as follows (where this section provides different
 22 salaries for judicial positions on the same court having the same title,
 23 the greater salary shall be paid the person holding the position paid
 24 the greater salary on the day immediately preceding the day on which
 25 such salaries took effect):

26 City	Title	
27 Albany	City Court Judge (FT)	113,900
28 [Albany	City Court Judge	54,400]
29 Amsterdam	City Court Judge (FT)	108,800
30 Amsterdam	City Court Judge	27,200
31 Auburn	City Court Judge (FT)	108,800
32 Auburn	City Court Judge	27,200
33 Batavia	City Court Judge (FT)	108,800
34 Batavia	City Court Judge	27,200
35 Beacon	City Court Judge (FT)	108,800
36 Beacon	City Court Judge	27,200
37 Binghamton	City Court Judge (FT)	108,800
38 Binghamton	City Court Judge	54,400
39 Buffalo	Chief Judge (FT)	115,100
40 Buffalo	City Court Judge (FT)	113,900
41 Canandaigua	City Court Judge (FT)	108,800
42 Canandaigua	City Court Judge	27,200
43 Cohoes	City Court Judge	54,400
44 Corning	City Court Judge (FT)	108,800
45 Corning	City Court Judge	27,200
46 Cortland	City Court Judge (FT)	108,800
47 Cortland	City Court Judge	[27,200] 54,400
48 Dunkirk	City Court Judge (FT)	108,800
49 Dunkirk	City Court Judge	27,200
50 Elmira	City Court Judge (FT)	108,800
51 Fulton	City Court Judge (FT)	108,800
52 Fulton	City Court Judge	27,200
53 Geneva	City Court Judge	54,400
54 Geneva	City Court Judge	27,200

1	Glen Cove	City Court Judge	54,400	
2	Gloversville	City Court Judge (FT)	108,800	
3	Gloversville	City Court Judge	27,200	
4	Glens Falls	City Court Judge (FT)	108,800	
5	Glens Falls	City Court Judge	27,200	
6	Hornell	City Court Judge	54,400	
7	Hornell	City Court Judge	27,200	
8	Hudson	City Court Judge	54,400	
9	Hudson	City Court Judge	27,200	
10	Ithaca	City Court Judge (FT)	108,800	
11	[Ithaca	City Court Judge	54,400]	
12	Jamestown	City Court Judge (FT)	108,800	
13	[Jamestown	City Court Judge	54,400]	
14	Johnstown	City Court Judge	54,400	
15	Johnstown	City Court Judge	27,200	
16	Kingston	City Court Judge (FT)	108,800	
17	Kingston	City Court Judge	54,400	
18	Lackawanna	City Court Judge (FT)	108,800	
19	Lackawanna	City Court Judge	54,400	
20	Lockport	City Court Judge (FT)	108,800	
21	[Lockport	City Court Judge	54,400]	
22	Long Beach	City Court Judge (FT)	118,300	
23	Little Falls	City Court Judge	27,200	
24	Mechanicville	City Court Judge	27,200	
25	Middletown	City Court Judge (FT)	108,800	
26	[Middletown	City Court Judge	54,400]	
27	Mount Vernon	City Court Judge (FT)	118,300	
28	Mount Vernon	City Court Judge	54,400	
29	Newburgh	City Court Judge (FT)	108,800	
30	Niagara Falls	Chief Judge (FT)	115,100	
31	Niagara Falls	City Court Judge (FT)	113,900	
32	Norwich	City Court Judge (FT)	[54,400]	108,800
33	Norwich	City Court Judge	27,200	
34	New Rochelle	City Court Judge (FT)	118,300	
35	[New Rochelle	City Court Judge	54,400]	
36	North Tonawanda	City Court Judge (FT)	108,800	
37	North Tonawanda	City Court Judge	54,400	
38	Ogdensburg	City Court Judge (FT)	108,800	
39	Ogdensburg	City Court Judge	27,200	
40	Olean	City Court Judge (FT)	108,800	
41	Olean	City Court Judge	27,200	
42	Oneida	City Court Judge (FT)	[54,400]	108,800
43	Oneida	City Court Judge	27,200	
44	Oneonta	City Court Judge	54,400	
45	Oneonta	City Court Judge	27,200	
46	Oswego	City Court Judge (FT)	108,800	
47	Oswego	City Court Judge	27,200	
48	Peekskill	City Court Judge (FT)	108,800	
49	Peekskill	City Court Judge	54,400	
50	Poughkeepsie	City Court Judge (FT)	108,800	
51	Plattsburgh	City Court Judge (FT)	108,800	
52	Plattsburgh	City Court Judge	27,200	
53	Port Jervis	City Court Judge	54,400	
54	[Port Jervis	City Court Judge	27,200]	
55	Rensselaer	City Court Judge	54,400	
56	Rensselaer	City Court Judge	27,200	

1	Rochester	Chief Judge (FT)	115,100	
2	Rochester	City Court Judge (FT)	113,900	
3	Rome	City Court Judge (FT)	113,900	
4	[Rome	City Court Judge	54,400]	
5	Rye	City Court Judge (FT)	108,800	
6	Rye	City Court Judge	[27,200]	54,400
7	Salamanca	City Court Judge	54,400	
8	SALAMANCA	CITY COURT JUDGE	27,200	
9	Saratoga Springs	City Court Judge (FT)	108,800	
10	[Saratoga Springs	City Court Judge	54,400]	
11	Schenectady	City Court Judge (FT)	108,800	
12	Sherrill	City Court Judge	27,200	
13	Syracuse	Chief Judge (FT)	115,100	
14	Syracuse	City Court Judge (FT)	113,900	
15	Tonawanda	City Court Judge (FT)	108,800	
16	Tonawanda	City Court Judge	54,400	
17	Troy	City Court Judge (FT)	113,900	
18	Troy	City Court Judge	81,600	
19	Utica	Chief Judge (FT)	115,100	
20	Utica	City Court Judge (FT)	113,900	
21	Watertown	City Court Judge (FT)	108,800	
22	Watertown	City Court Judge	27,200	
23	Watervliet	City Court Judge	54,400	
24	[Watervliet	City Court Judge	27,200]	
25	White Plains	City Court Judge (FT)	116,800	
26	[White Plains	City Court Judge	54,400]	
27	Yonkers	Chief Judge (FT)	119,500	
28	Yonkers	City Court Judge (FT)	118,300	

29 S 6. Transition. Notwithstanding any other provision of law, for
 30 purposes of this act:

31 (a) On the effective date of this section:

32 (i) each of the following part-time judgeships shall be abolished and
 33 replaced by a full-time judgeship: the part-time city court judge of
 34 Albany, the part-time city court judge of Ithaca, the part-time city
 35 court judge of Jamestown, the part-time city court judge of Lockport,
 36 the part-time city judge of Middletown, the part-time city court judge
 37 of New Rochelle, the part-time city court judge of Norwich whose office
 38 is paid the greater compensation on such date, the part-time city court
 39 judge of Oneida whose office is paid the greater compensation on such
 40 date, the part-time city court judge of Rome, the part-time city court
 41 judge of Saratoga Springs and the part-time city court judge of White
 42 Plains. Each person in a judgeship abolished by this subdivision shall
 43 continue in service in the full-time judgeship that replaces such abol-
 44 ished judgeship hereunder for the remainder of the term of office to
 45 which he or she was selected in such abolished judgeship; and

46 (ii) the office of the part-time city court judge of Salamanca senior
 47 in service on such date shall receive the increase in compensation
 48 provided in section 221-i of the judiciary law as amended by section
 49 five of this act.

50 (b) The new offices of full-time city court judge in the cities of
 51 Buffalo, Newburgh, Troy and Yonkers, respectively, shall first be filled
 52 by election at the next general election at which they can be filled for
 53 a full term to commence January first next thereafter.

54 (c) Notwithstanding any other provision of this act, upon the aboli-
 55 tion of the office of part-time city court judge in the city of Lock-
 56 port, pursuant to paragraph (i) of subdivision (a) of this section, the

1 office of full-time judgeship that replaces such part-time judgeship
2 shall be elective except that, when such full-time judgeship is first
3 filled for a full term, on or after the effective date of this section,
4 it shall be filled by appointment by the mayor of the city of Lockport
5 for a term that will end on the thirty-first of December next succeeding
6 ten years from the date such term shall commence; provided, however, if
7 a vacancy shall occur during such term, the office shall be filled in
8 the manner provided by subparagraph (i) of paragraph two of subdivision
9 (e) of section two thousand one hundred four of the uniform city court
10 act.

11 S 7. (a) In the event that the compensation to be paid a judge of a
12 city court, as prescribed by this act or any other provision of law, is
13 lower than the compensation being paid such judge immediately prior to
14 the effective date of this section, such judge shall, for as long as he
15 or she holds the office in which he or she is serving on such effective
16 date, receive such higher compensation (plus any increases thereto as
17 shall thereafter be provided by law).

18 (b) Notwithstanding any provision of this act, this act shall not
19 extend or diminish any term of judicial office commenced prior to the
20 effective date of this section.

21 S 8. This act shall take effect on the first of April next succeeding
22 the date on which it shall have become a law; provided, however, that no
23 changes in the number or compensation of judges, as provided in sections
24 two and five of this act, may take effect in a city in which a full-time
25 judgeship replaces a part-time judgeship pursuant to this act until
26 authorized under section six of this act.