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

5138

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, the family court act and chapter 278 of the laws of 1958, constituting the Suffolk county charter, in relation to increasing the number of certain judgeships in the county of Suffolk

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

Section 1. Subdivision 10 of section 140-a of the judiciary law, as amended by chapter 209 of the laws of 1990, is amended to read as follows:

10. Tenth district, [forty-seven] FORTY-EIGHT;

S 2. Subdivision 10 of section 140-a of the judiciary law, as amended by section one of this act, is amended to read as follows:

10. Tenth district, [forty-eight] FORTY-NINE;

S 3. Subdivision 47 of section 182 of the judiciary law, as amended by chapter 500 of the laws of 1982, is amended to read as follows:

47. Suffolk, [eleven] THIRTEEN;

S 4. Subdivision 47 of section 182 of the judiciary law, as amended by section three of this act, is amended to read as follows:

47. Suffolk, [thirteen] FIFTEEN;

S 5. Subdivision (p) of section 131 of the family court act, as amended by chapter 500 of the laws of 1982, is amended to read as follows:

(p) In the county of Suffolk there shall be [four] FIVE additional family court judges making a total of [ten] ELEVEN family court judges in such county. The number of such judges now existing in such county is hereby increased accordingly. The compensation of each such family court judge shall be the same as the compensation of existing family court judges in such county.

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

LBD11615-01-9

S 6. Subdivision (p) of section 131 of the family court act, as amended by section five of this act, is amended to read as follows:

(p) In the county of Suffolk there shall be [five] SEVEN additional family court judges making a total of [eleven] THIRTEEN family court judges in such county. The number of such judges now existing in such county is hereby increased accordingly. The compensation of each such family court judge shall be the same as the compensation of existing family court judges in such county.

S 7. Section 2403 of chapter 278 of the laws of 1958, constituting the Suffolk county charter, as amended by chapter 339 of the laws of 1990, is amended to read as follows:

S 2403. Districts and number of judges therein. The county district court system shall be divided into judicial districts as follows: The entire district court system shall constitute the first judicial district in which [one] TWO district court [judge] JUDGES shall be elected. Each town electing to become part of the district court system, including the three or more towns establishing the system, shall constitute another judicial district, provided, however, that any two or more contiguous towns electing to become part of the district court system which have a combined total population of less than sixty thousand according to the last census, shall constitute one judicial district, but provided further, that if any of such towns shall thereafter attain a population greater than thirty thousand, such town shall constitute another judicial district. In each judicial district there shall be elected one district court judge. The supervisors elected in the towns comprising the first judicial district may, upon the recommendation of the board of judges of the district courts, increase the number of judges in all or any one of the districts provided that such new judicial post or posts shall be filled for a full term at the next general election held not less than three months after the creation thereof. For the purpose of electing such judges and for the purpose of determining the boundaries of such districts, any city hereafter created from the territory of any town shall be considered to be part of that town.

Notwithstanding any provision herein, the number of judges of the district court of the county shall be increased by [one] TWO, making a total of [twenty-four] TWENTY-FIVE judges for such court. [This] SUCH additional [judge] JUDGES shall be elected in the FIRST AND fifth judicial [district] DISTRICTS.

S 8. This act shall take effect August 1, 2009; provided, that:

1. the additional justice of the supreme court and the additional district court judge, provided for by sections one and seven of this act shall first be elected at the general election to be held in November 2009 and shall first take office January 1, 2010;

2. section two of this act shall take effect August 1, 2010;

3. the additional justice of the supreme court, the additional county court judges and the additional family court judge provided for by sections two, three and five of this act shall first be elected at the general election to be held in November 2010 and shall first take office January 1, 2011;

4. sections four and six of this act shall take effect August 1, 2011;

5. the additional county court judges and the additional family court judges provided for by sections four and six of this act shall first be elected at the general election to be held in November 2011 and shall first take office January 1, 2012.