

10945

I N A S S E M B L Y

May 4, 2010

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

AN ACT to amend the uniform justice court act, in relation to local justice reform commissions; and to repeal article 22 of such act relating to justice court procedure (Part A); to amend the uniform justice court act, the village law, the judiciary law and the town law, in relation to justice court administration (Part B); to amend the uniform justice court act, in relation to qualifications and requirements for town and village justices (Part C); and to amend the uniform justice court act, the general municipal law, the state finance law, the vehicle and traffic law, the agriculture and markets law, the environmental conservation law, the workers' compensation law, the parks, recreation and historic preservation law and the navigation law, in relation to town, village and justice courts; and to repeal certain provisions of the uniform justice court act and the general municipal law relating to jury terms and jurors (Part D)

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "justice court efficiency and modernization act".
3 S 2. This act enacts into law major components of legislation relating
4 to the "justice court efficiency and modernization act". Each component
5 of this act is wholly contained within a Part identified as Parts A
6 through D. The effective date for each particular provision contained
7 within such Part is set forth in the last section of such Part. Any
8 provision in any section contained within a Part, including the effective
9 date of the Part, which makes reference to a section "of this act",
10 when used in connection with that particular component, shall be deemed
11 to mean and refer to the corresponding section of the Part in which it
12 is found. Section five of this act sets forth the general effective
13 date of this act.
14 S 3. Declaration of legislative findings. The legislature declares
15 that the town and village justice courts are a backbone of the state
16 civil and criminal justice systems and are indispensable to ensuring

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

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1 proximate access to justice across the state. The legislature therefore
2 reaffirms New York state's three-century commitment to local adjudi-
3 cations and a vibrant justice court system. The legislature finds,
4 however, that many town and village justice courts are not structured,
5 funded, equipped or secured to meet modern standards for the safe and
6 cost-effective administration of justice, and that necessary improve-
7 ments to the justice court system cannot timely or efficiently be
8 achieved given the proliferation and independent administration of indi-
9 vidual courts in each of over 1,250 towns and villages statewide. The
10 legislature further finds that this fragmentation increases the cost and
11 decreases the effectiveness of many instrumentalities of state and coun-
12 ty government interacting with these courts, including prosecutors,
13 defenders, county probation departments and law enforcement agencies,
14 the office of the state comptroller and numerous executive-branch agen-
15 cies. To properly balance the public interest in proximate access to
16 justice against the pressing need for systemic reform, it is the intent
17 of the legislature to strengthen the justice court system, create a
18 process for the limited sharing of justice courts and better support the
19 vital roles that local governments help perform in their operation and
20 administration.

21 PART A

22 Section 1. Article 22 of the uniform justice court act is REPEALED and
23 a new article 22 is added to read as follows:

24 ARTICLE 22

25 SHARING OF JUSTICE COURTS

26 SECTION 2201. LOCAL JUSTICE REFORM COMMISSIONS.

27 2202. COMBINATION PLANS.

28 2203. COMMISSION PROCEDURE.

29 2204. TRANSITION PROVISIONS.

30 2205. CONSTRUCTION.

31 S 2201. LOCAL JUSTICE REFORM COMMISSIONS.

32 (A) THERE IS HEREBY ESTABLISHED IN EACH COUNTY WITH POPULATIONS LESS
33 THAN ONE MILLION AND HAVING TOWN COURTS ON THE EFFECTIVE DATE OF THIS
34 ARTICLE A LOCAL JUSTICE REFORM COMMISSION TO IMPROVE THE EFFICIENCY AND
35 EFFECTIVENESS OF THE JUSTICE COURT SYSTEM IN SUCH COUNTY. IN ACCORDANCE
36 WITH THE PROVISIONS OF THIS ARTICLE, EACH COMMISSION SHALL:

37 1. EXAMINE AND EVALUATE THE FACILITIES, OPERATIONS AND COST-EFFECTIVE-
38 NESS OF PROPERLY MAINTAINING EACH AND ALL OF THE TOWN AND VILLAGE COURTS
39 IN SUCH COUNTY;

40 2. DETERMINE, BASED ON THE CRITERIA SPECIFIED IN SUBDIVISION (B) OF
41 SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, WHICH LOCALITIES IN SUCH
42 COUNTY SHOULD SHARE THE SERVICES OF A SINGLE JUSTICE COURT; AND

43 3. EXAMINE, EVALUATE AND MAKE RECOMMENDATIONS WITH REGARD TO THE
44 PROVISION OF PROSECUTION, PUBLIC DEFENSE, PROBATION, PRISONER DETENTION
45 AND TRANSPORT, AND OTHER COUNTY AND LOCAL SERVICES AFFECTING THE
46 COST-EFFECTIVE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH
47 COUNTY.

48 (B) EACH COMMISSION SHALL CONSIST OF NINE VOTING MEMBERS AND THREE EX
49 OFFICIO MEMBERS AS FOLLOWS:

50 1. THE VOTING MEMBERS OF THE COMMISSION SHALL BE:

51 (I) THE COUNTY EXECUTIVE, PROVIDED THAT IF THERE BE NO ELECTIVE COUNTY
52 EXECUTIVE, THEN THE COUNTY MANAGER OR, IF THERE BE NO COUNTY MANAGER,
53 THEN THE CHIEF FISCAL OFFICER OF THE COUNTY OR OTHERWISE AS THE COUNTY
54 LEGISLATURE MAY PROVIDE;

(II) THE CHAIR OF THE COUNTY LEGISLATURE;

(III) THE MINORITY LEADER OF THE COUNTY LEGISLATURE, PROVIDED THAT IF THERE BE NO MINORITY PARTY MEMBER OF THE COUNTY LEGISLATURE, THEN A SECOND MEMBER OF THE COUNTY LEGISLATURE DESIGNATED THEREBY;

(IV) A TOWN JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES ASSOCIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGISTRATES ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE MAGISTRATES ASSOCIATION;

(V) A VILLAGE JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES ASSOCIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGISTRATES ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE MAGISTRATES ASSOCIATION, AND PROVIDED FURTHER THAT IF THERE BE NO VILLAGE JUSTICE IN THE COUNTY, THEN A SECOND TOWN JUSTICE IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY SUBPARAGRAPH (IV) OF THIS PARAGRAPH;

(VI) A TOWN SUPERVISOR IN THE COUNTY, DESIGNATED BY THE COUNTY MUNICIPAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE ASSOCIATION OF TOWNS;

(VII) A MAYOR OF A VILLAGE FOR WHICH THERE IS ESTABLISHED A JUSTICE COURT ON THE EFFECTIVE DATE OF THIS ARTICLE, DESIGNATED BY THE COUNTY MUNICIPAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK CONFERENCE OF MAYORS AND MUNICIPAL OFFICIALS, AND PROVIDED FURTHER THAT IF THERE BE NO SUCH VILLAGE IN THE COUNTY, THEN A SECOND TOWN SUPERVISOR IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY SUBPARAGRAPH (VI) OF THIS PARAGRAPH; AND

(VIII) TWO ATTORNEYS ADMITTED TO PRACTICE IN THIS STATE RESIDENT OR WITH A PRINCIPAL PLACE OF BUSINESS IN SUCH COUNTY, DESIGNATED BY A BAR ASSOCIATION FOR SUCH COUNTY SELECTED BY THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE COUNTY IS LOCATED, PROVIDED THAT ONE SUCH ATTORNEY SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR IN THE IMMEDIATELY PRECEDING GUBERNATORIAL ELECTION RECEIVED THE HIGHEST NUMBER OF VOTES IN THE STATE, AND ONE SUCH ATTORNEY SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR IN SUCH ELECTION RECEIVED THE SECOND HIGHEST NUMBER OF VOTES IN THE STATE.

2. THE THREE EX OFFICIO MEMBERS OF THE COMMISSION SHALL INCLUDE:

(I) THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE COUNTY IS LOCATED, WHO SHALL COORDINATE EACH COMMISSION ESTABLISHED FOR A COUNTY WITHIN SUCH JUDICIAL DISTRICT AND PROMOTE THE TIMELY AND CONSISTENT APPLICATION OF THIS ARTICLE AMONG SUCH COMMISSIONS;

(II) THE DISTRICT ATTORNEY OF THE COUNTY; AND

(III) THE PUBLIC DEFENDER OF THE COUNTY, PROVIDED THAT IF THERE BE NO PUBLIC DEFENDER IN THE COUNTY, THEN ANOTHER PERSON DESIGNATED BY THE NEW YORK STATE DEFENDERS ASSOCIATION PRIMARILY RESPONSIBLE FOR THE PROVISION OR COORDINATION OF INDIGENT CRIMINAL DEFENSE SERVICES IN SUCH COUNTY PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

(C) APPOINTMENTS SHALL BE MADE NOT LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS AN ORIGINAL APPOINTMENT.

(D) EACH COMMISSION SHALL HAVE THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THE LEGISLATIVE LAW.

(E) FOR EACH COMMISSION, A MAJORITY OF ALL THE VOTING MEMBERS THEREOF SHALL CONSTITUTE A QUORUM AND SHALL BE NECESSARY TO A DECISION.

(F) COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER. SUCH EXPENSES SHALL BE CHARGED AGAINST THE COUNTY SUBJECT TO REIMBURSEMENT BY THE OFFICE OF COURT ADMINISTRATION PURSUANT TO SUCH RULES AS THE CHIEF ADMINISTRATOR OF THE COURTS MAY PROVIDE.

(G) NO COMMISSION MEMBER SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT PURSUANT TO THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, REGULATION, RULE, ORDINANCE OR CHARTER.

(H) TO THE MAXIMUM EXTENT FEASIBLE, EACH COMMISSION MAY REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES, RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, AGENCY OR AUTHORITY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS SUCH COMMISSION REASONABLY MAY REQUEST TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE A COMMISSION TO REQUEST OR A COURT TO RELEASE SEALED RECORDS OR OTHER DATA RENDERED CONFIDENTIAL BY LAW.

(I) UPON COMPLETION OF ITS DUTIES HEREUNDER, EACH COMMISSION SHALL BE DEEMED DISSOLVED.

S 2202. COMBINATION PLANS.

(A) DRAFT AND FINAL PLANS; CONSULTATION. IN ACCORDANCE WITH THIS ARTICLE, EACH COMMISSION SHALL ISSUE A DRAFT COMBINATION PLAN AND FINAL COMBINATION PLAN TO EFFECTUATE THE LIMITED SHARING OF JUSTICE COURTS IN THE COUNTY. IN THE DEVELOPMENT OF SUCH PLANS, THE COMMISSION SHALL CONSULT WITH THE TOWN AND VILLAGE JUSTICES, NON-JUDICIAL STAFF OF THE JUSTICE COURTS, TOWN AND VILLAGE BOARDS, LAW ENFORCEMENT AGENCIES, PROSECUTORS, PUBLIC DEFENSE PROVIDERS AND OTHER PERSONS RELEVANT TO THE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH COUNTY.

(B) REVIEW FACTORS. FOR EACH AND ALL OF THE JUSTICE COURTS IN SUCH COUNTY, THE COMMISSION SHALL CONSIDER CASELOADS AND DOCKET TRENDS, COURT FACILITIES AND SECURITY, CASE-GENERATING FEATURES, AVAILABILITY OF DETENTION FACILITIES, DISTRIBUTION OF PROSECUTION AND DEFENSE SERVICES, DISTRIBUTION OF LAW ENFORCEMENT PERSONNEL, AND SUCH OTHER CRITERIA RELEVANT TO THE COST-EFFECTIVE OPERATION OF THE JUSTICE COURTS AND ADMINISTRATION OF JUSTICE IN SUCH COUNTY AS THE COMMISSION MAY DETERMINE.

(C) STANDARDS FOR COMBINATION PLANS. EACH COMBINATION PLAN SHALL PROVIDE FOR THE LIMITED SHARING OF JUSTICE COURTS IN THE COUNTY. UNDER EACH COMBINATION PLAN:

1. EACH MUNICIPALITY FOR WHICH A JUSTICE COURT IS ESTABLISHED ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE SERVED BY A JUSTICE COURT IN SUCH COUNTY, WHETHER PRESIDING SOLELY FOR SUCH MUNICIPALITY OR PRESIDING FOR MULTIPLE MUNICIPALITIES;

2. WHERE SUCH PLAN PROVIDES THAT A JUSTICE COURT LOCATED IN ONE MUNICIPALITY WILL PRESIDE FOR ONE OR MORE OTHER MUNICIPALITIES, EACH SUCH OTHER MUNICIPALITY SHALL BE PROXIMATE TO THE MUNICIPALITY IN WHICH SUCH JUSTICE COURT IS TO BE LOCATED, AND ALL OF THE MUNICIPALITIES FOR WHICH SUCH COURT WILL PRESIDE SHALL FORM A CONTIGUOUS GEOGRAPHIC UNIT; AND

3. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (E) OF THIS SECTION, THE TOTAL NUMBER OF JUSTICE COURTS IN SUCH COUNTY SHALL FALL WITHIN THE FOLLOWING RANGES OF PERCENTAGES OF THE NUMBER OF JUSTICE COURTS ESTABLISHED IN SUCH COUNTY ON THE EFFECTIVE DATE OF THIS ARTICLE:

(I) IN EACH COUNTY WITH POPULATION GREATER THAN TWO HUNDRED FIFTY THOUSAND AND LESS THAN ONE MILLION, AND IN EACH OF THE COUNTIES OF

PUTNAM AND SCHENECTADY, NO MORE THAN NINETY PERCENT AND NO LESS THAN SEVENTY PERCENT OF SUCH NUMBER;

(II) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION GREATER THAN ONE HUNDRED FIFTY THOUSAND AND EQUAL TO OR LESS THAN TWO HUNDRED FIFTY THOUSAND, NO MORE THAN EIGHTY PERCENT AND NO LESS THAN SIXTY PERCENT OF SUCH NUMBER; AND

(III) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION EQUAL TO OR LESS THAN ONE HUNDRED FIFTY THOUSAND, NO MORE THAN SEVENTY PERCENT AND NO LESS THAN FIFTY PERCENT OF SUCH NUMBER.

THE CHIEF ADMINISTRATOR SHALL PROMULGATE A SCHEDULE SETTING FORTH THE MINIMUM AND MAXIMUM NUMBER OF JUSTICE COURTS SPECIFIED IN THIS PARAGRAPH FOR EACH COUNTY ACCORDING TO THE POPULATION THEREOF AS MEASURED IN THE MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION. IN PROMULGATING SUCH SCHEDULE, THE CHIEF ADMINISTRATOR SHALL ROUND DOWN TO THE NEAREST WHOLE NUMBER OF COURTS ANY FRACTIONAL NUMBER OF COURTS ARISING FROM THE FOREGOING FORMULA.

(D) ADDITIONAL CONTENT OF COMBINATION PLANS. EACH COMBINATION PLAN ALSO SHALL SPECIFY:

1. THE COURT FACILITY IN WHICH EACH SHARED JUSTICE COURT WILL CONVENE;

2. THE MANNER IN WHICH JUSTICES WILL SHARE RESPONSIBILITIES FOR ARRAIGNMENTS, WARRANT APPLICATIONS, EMERGENCY PROCEEDINGS AND OTHER OFF-HOUR RESPONSIBILITIES;

3. THE MANNER IN WHICH JUSTICE COURTS AND LOCAL LAW ENFORCEMENT AGENCIES WILL PROVIDE FOR THE PRE-ARRAIGNMENT DETENTION OF CRIMINAL DEFENDANTS; AND

4. SUCH OTHER MATTERS AS THE CHIEF ADMINISTRATOR MAY BY RULE DIRECT TO ENSURE THAT THE IMPLEMENTATION OF COMBINATION PLANS WILL PROMOTE THE ADMINISTRATION OF JUSTICE.

(E) EXEMPTION DETERMINATIONS. NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS SECTION, AS PART OF OR IN LIEU OF A COMBINATION PLAN, A COMMISSION MAY DETERMINE THAT THERE SHOULD BE LESSER SHARING OF JUSTICE COURTS THAN SPECIFIED FOR SUCH COUNTY IN SUBDIVISION (C) OF THIS SECTION, OR NO SUCH SHARING, IF THE COMMISSION FINDS THAT SUCH DETERMINATION WOULD NOT:

(I) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE FACILITIES, SECURITY AND OPERATION OF ALL JUSTICE COURTS IN SUCH COUNTY ARE SAFE, SUITABLE AND SUFFICIENT FOR THE TRANSACTION OF COURT BUSINESS THEREIN;

(II) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE AVAILABILITY OF RESOURCES FOR PROSECUTION, PUBLIC DEFENSE, DETAINEE TRANSPORT AND OTHER SERVICES IN AND FOR ALL JUSTICE COURTS IN SUCH COUNTY ARE SUFFICIENT TO PROMOTE THE ADMINISTRATION OF JUSTICE IN SUCH COUNTY; OR

(III) CAUSE OR CONTINUE UNNECESSARY OR INEFFICIENT DUPLICATION OF SERVICES.

S 2203. COMMISSION PROCEDURE.

(A) DRAFT COMBINATION PLANS. NOT LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, EACH COMMISSION SHALL SUBMIT TO THE CHIEF ADMINISTRATOR OF THE COURTS, COUNTY EXECUTIVE OR COUNTY MANAGER AND COUNTY LEGISLATURE A DRAFT COMBINATION PLAN COMPLYING WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE. SUCH SUBMISSION SHALL INCLUDE THE LOCATION AND TIME OF EACH PUBLIC HEARING TO BE HELD THEREON PURSUANT TO SUBDIVISION (B) OF THIS SECTION. IN ADVANCE OF SUCH HEARING OR HEARINGS, THE COMMISSION SHALL PUBLICIZE SUCH DRAFT PLAN TO POTENTIALLY INTERESTED MEMBERS OF THE PUBLIC TO THE EXTENT REASONABLY PRACTICABLE.

(B) PUBLIC HEARINGS. NOT SOONER THAN THIRTY DAYS AND NOT LATER THAN SIXTY DAYS AFTER THE SUBMISSION OF SUCH DRAFT COMBINATION PLAN, THE

1 COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS WITHIN THE COUNTY AND
2 ENSURE THAT INTERESTED MEMBERS OF THE PUBLIC HAVE A REASONABLE OPPORTU-
3 NITY TO BE HEARD THEREON.

4 (C) FINAL PLANS. NOT LATER THAN SIXTY DAYS AFTER THE LAST OF SUCH
5 PUBLIC HEARINGS, THE COMMISSION SHALL SUBMIT TO THE CHIEF ADMINISTRATOR,
6 COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A FINAL COMBINATION
7 PLAN COMPLYING WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE.

8 (D) TECHNICAL REVIEW. NOT LATER THAN SIXTY DAYS AFTER SUBMISSION OF
9 SUCH FINAL COMBINATION PLAN, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO
10 THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A
11 CERTIFICATE DETERMINING EITHER THAT SUCH PLAN COMPLIES WITH SECTION
12 TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, OR THAT SUCH PLAN FAILS TO
13 COMPLY AND SETTING FORTH THE TECHNICAL DEFECTS THEREOF. IF THE CHIEF
14 ADMINISTRATOR SHALL TRANSMIT A NONCOMPLIANCE CERTIFICATE, THEN NOT LATER
15 THAN THIRTY DAYS THEREAFTER, THE COMMISSION SHALL AMEND SUCH NONCOMPLY-
16 ING PLAN TO CORRECT SUCH DEFECTS AND OTHERWISE COMPLY WITH SUCH SECTION
17 AND SHALL SUBMIT SUCH AMENDED PLAN TO THE CHIEF ADMINISTRATOR. NOT LATER
18 THAN THIRTY DAY THEREAFTER, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO
19 THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A
20 CERTIFICATE DETERMINING EITHER THAT SUCH AMENDED PLAN COMPLIES WITH SUCH
21 SECTION, OR THAT SUCH AMENDED PLAN AGAIN FAILS TO COMPLY AND SETTING
22 FORTH THE DEFECTS THEREOF, IN WHICH LATTER INSTANCE THE DEFAULT
23 PROVISIONS OF SUBDIVISION (F) OF THIS SECTION SHALL GOVERN.

24 (E) ENACTMENT AND SUBSTITUTION OF COMBINATION PLANS. FOR A COMBINATION
25 PLAN FOR WHICH THE CHIEF ADMINISTRATOR TRANSMITS TO THE COUNTY LEGISLA-
26 TURE A COMPLIANCE CERTIFICATE PURSUANT TO SUBDIVISION (D) OF THIS
27 SECTION:

28 1. IF THE COMMISSION HAS NOT MADE AN EXEMPTION DETERMINATION PURSUANT
29 TO SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE,
30 THEN SUCH COMBINATION PLAN AUTOMATICALLY SHALL HAVE FORCE OF LAW SIXTY
31 DAYS AFTER SUCH TRANSMITTAL UNLESS SUCH COUNTY LEGISLATURE, BY
32 TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL ENACT BY LOCAL
33 LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE PROVISIONS OF SUCH
34 SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL ENACT SUCH A LOCAL
35 LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTIFY THAT SUCH SUBSTI-
36 TUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS OF SUCH SECTION.

37 2. IF THE COMMISSION HAS MADE AN EXEMPTION DETERMINATION PURSUANT TO
38 SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, THEN
39 SUCH COMBINATION PLAN, OR THE DETERMINATION THAT THERE SHOULD BE NO
40 SHARING OF JUSTICE COURTS IN SUCH COUNTY HEREUNDER, SHALL HAVE FORCE OF
41 LAW SIXTY DAYS AFTER SUCH TRANSMITTAL ONLY IF THE COUNTY LEGISLATURE, BY
42 TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL RATIFY THE SAME
43 BY LOCAL LAW. IN THE ALTERNATIVE, SUCH COUNTY LEGISLATURE MAY SOONER
44 ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE
45 PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL
46 ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTI-
47 FY THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE
48 PROVISIONS OF SUCH SECTION. IF THE COUNTY LEGISLATURE SHALL NEITHER
49 RATIFY SUCH EXEMPTION DETERMINATION NOR ENACT A SUBSTITUTE COMBINATION
50 PLAN PURSUANT TO THIS PARAGRAPH, THEN THE DEFAULT PROVISIONS OF SUBDIVI-
51 SION (F) OF THIS SECTION SHALL GOVERN.

52 (F) DEFAULT PROCEDURE. IF A COMMISSION SHALL FAIL TO SUBMIT A FINAL
53 COMBINATION PLAN OR AMEND A NONCOMPLYING PLAN CERTIFIED TO COMPLY WITH
54 SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE BY THE DATE SPECIFIED
55 THEREFOR IN SUBDIVISION (D) OF THIS SECTION, OR IF THE COUNTY LEGISLA-
56 TURE SHALL FAIL TO RATIFY A COMBINATION PLAN OR ENACT A SUBSTITUTE PLAN

1 BY THE DATE SPECIFIED THEREFOR IN PARAGRAPH TWO OF SUBDIVISION (E) OF
2 THIS SECTION, THEN NOT LATER THAN THIRTY DAYS AFTER SUCH DATE, THE CHIEF
3 ADMINISTRATOR SHALL PROMULGATE A FINAL COMBINATION PLAN FOR THE JUSTICE
4 COURTS OF SUCH COUNTY CONSISTENT WITH SECTION TWENTY-TWO HUNDRED TWO OF
5 THIS ARTICLE AND SHALL TRANSMIT THE SAME TO THE COUNTY EXECUTIVE OR
6 MANAGER AND COUNTY LEGISLATURE. SUCH FINAL COMBINATION PLAN AUTOMAT-
7 ICALLY SHALL HAVE FORCE OF LAW SIXTY DAYS THEREAFTER UNLESS SUCH COUNTY
8 LEGISLATURE, BY TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL
9 ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE
10 PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL
11 ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTER FIRST SHALL CERTIFY
12 THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS
13 OF SUCH SECTION.

14 (G) EFFECTIVE DATE OF COMBINATION PLANS. THE COMBINATION PLAN FOR THE
15 JUSTICE COURTS IN EACH COUNTY SHALL TAKE EFFECT ON THE FIRST DAY OF
16 JANUARY IN THE SECOND YEAR NEXT SUCCEEDING THE DATE ON WHICH SUCH PLAN
17 SHALL HAVE FORCE OF LAW PURSUANT TO SUBDIVISION (E) OR (F) OF THIS
18 SECTION.

19 S 2204. TRANSITION PROVISIONS.

20 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON AND AFTER THE EFFECTIVE
21 DATE OF A COMBINATION PLAN PURSUANT TO SUBDIVISION (G) OF SECTION TWEN-
22 TY-TWO HUNDRED THREE OF THIS ARTICLE:

23 (A) EACH JUSTICE COURT DESIGNATED IN SUCH PLAN TO ASSUME THE JURISDIC-
24 TION OF ONE OR MORE TOWN OR VILLAGE COURTS SHALL, ON SUCH DATE, BE
25 DEEMED TO HAVE THE JURISDICTION OF EACH OF SUCH OTHER COURTS.

26 (B) EACH OFFICE OF TOWN JUSTICE AND VILLAGE JUSTICE SHALL, ON SUCH
27 DATE, ALSO BECOME AN OFFICE OF JUSTICE OF THE JUSTICE COURT DESIGNATED
28 IN SUCH PLAN TO PRESIDE FOR SUCH TOWN OR VILLAGE, CONTINUING IN SUCH
29 TERM OF OFFICE AS THERETOFORE PROVIDED BY LAW, AND SHALL HAVE JURISDIC-
30 TION FOR EACH MUNICIPALITY FOR WHICH SUCH JUSTICE COURT EXERCISES JURIS-
31 DICTION TO THE SAME EXTENT AND EFFECT AS IF SUCH JUSTICE WERE SELECTED
32 IN AND FOR EACH SUCH MUNICIPALITY.

33 (C) EACH ACTION AND PROCEEDING PENDING IN A TOWN OR VILLAGE COURT
34 WHOSE JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN
35 SHALL, ON SUCH DATE, BE DEEMED PENDING IN SUCH OTHER JUSTICE COURT, AND
36 THE RULES OF PROCEDURE GOVERNING EACH SUCH ACTION OR PROCEEDING BEFORE
37 SUCH DATE SHALL CONTINUE TO APPLY ON AND AFTER SUCH DATE.

38 (D) THE NON-JUDICIAL PERSONNEL OF EACH TOWN OR VILLAGE COURT WHOSE
39 JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL,
40 ON SUCH DATE, BE DEEMED TO BE THE NON-JUDICIAL PERSONNEL OF SUCH OTHER
41 JUSTICE COURT; PROVIDED THAT IF SUCH PERSONNEL PERFORM FUNCTIONS BOTH
42 FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL OFFICES ON THE
43 DAY IMMEDIATELY PRECEDING SUCH DATE AND THEREAFTER CONTINUE TO PERFORM
44 FUNCTIONS BOTH FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL
45 OFFICES, THEN SUCH PERSONNEL SHALL BE DEEMED TO BE THE PERSONNEL OF SUCH
46 OTHER JUSTICE COURT ONLY FOR SUCH PORTION OF THEIR EMPLOYMENT AS RELATES
47 TO JUDICIAL BUSINESS.

48 (E) THE PAPERS AND EFFECTS OF EACH TOWN OR VILLAGE COURT WHOSE JURIS-
49 DICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL, ON
50 SUCH DATE, BE DEEMED TO BE THE PAPERS AND EFFECTS OF SUCH OTHER JUSTICE
51 COURT AND PROMPTLY SHALL BE TRANSFERRED TO THE POSSESSION OF SUCH OTHER
52 JUSTICE COURT OR OTHERWISE AS MAY BE PROVIDED BY THE CHIEF ADMINISTRATOR
53 OF THE COURTS, AND THE SEAL OF SUCH OTHER JUSTICE COURT SHALL BE AMENDED
54 ACCORDINGLY.

55 S 2205. CONSTRUCTION.

1 NOTHING IN THIS ARTICLE AND NO COMBINATION PLAN HEREUNDER SHALL BE
2 CONSTRUED TO:

3 (A) DISCONTINUE A TOWN COURT WITHIN THE MEANING OF SUBDIVISION (B) OF
4 SECTION SEVENTEEN OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

5 (B) ESTABLISH A DISTRICT COURT WITHIN THE MEANING OF SECTION SIXTEEN
6 OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

7 (C) ESTABLISH OR ABOLISH ANY JUDICIAL OFFICE, ALTER THE TERM OF OFFICE
8 OF ANY JUSTICE OR ALTER THE MANNER OF SELECTION FOR ANY JUDICIAL OFFICE;
9 OR

10 (D) IMPAIR THE RIGHTS OF ANY NON-JUDICIAL EMPLOYEE SERVING ANY TOWN OR
11 VILLAGE COURT ON ACCOUNT OF ANOTHER JUSTICE COURT ASSUMING THE JURISDIC-
12 TION THEREOF.

13 S 2. This act shall take effect on thirtieth day after it shall have
14 become a law; provided, however, that the chief administrator of the
15 courts is authorized to immediately promulgate rules and regulations to
16 effectuate the provisions of this act.

17 PART B

18 Section 1. The uniform justice court act is amended by adding a new
19 article 22-A to read as follows:

20 ARTICLE 22-A

21 JUSTICE COURT ADMINISTRATION

22 SECTION 2206. FUNDING AND COST APPORTIONMENT.

23 2207. BUDGETING SYSTEM.

24 2208. FINANCIAL MANAGEMENT.

25 2209. ADJUSTMENTS TO JUDICIAL OFFICES.

26 2210. NON-JUDICIAL STAFF.

27 S 2206. FUNDING AND COST APPORTIONMENT.

28 IN ACCORDANCE WITH THIS ARTICLE AND SUBJECT TO STATE SUPPORT OR
29 REIMBURSEMENT PURSUANT TO LAW, THE GOVERNING BOARD OF EACH MUNICIPALITY
30 FOR WHICH A JUSTICE COURT IS ESTABLISHED SHALL ENACT AND FUND AN ANNUAL
31 BUDGET FOR SUCH COURT AND APPROPRIATE TO OR EXPEND ON BEHALF OF SUCH
32 COURT SUCH MONEYS AS REASONABLY SUFFICIENT FOR THE COURT TO ADEQUATELY
33 PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.
34 THE COSTS OF OPERATING A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES
35 PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS
36 CHAPTER, EXCEPT AS THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY MAY
37 PROVIDE BY JOINT RESOLUTION, SHALL BE CHARGES AGAINST EACH SUCH MUNICI-
38 PALITY IN PROPORTION TO THE RESPECTIVE POPULATIONS THEREOF AS OF THE
39 MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION, WHICH PROPORTIONS
40 THE STATE COMPTROLLER SHALL CALCULATE AND AS NEEDED REVISE. THIS ARTICLE
41 SHALL NOT BE CONSTRUED TO IMPOSE ANY OBLIGATION ON OR OTHERWISE APPLY TO
42 ANY TOWN OR VILLAGE FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE
43 EFFECTIVE DATE OF THIS ARTICLE.

44 S 2207. BUDGETING SYSTEM.

45 (A) THE BUDGETING SYSTEM OF EVERY TOWN PURSUANT TO ARTICLE EIGHT OF
46 THE TOWN LAW AND EVERY VILLAGE PURSUANT TO ARTICLE FIVE OF THE VILLAGE
47 LAW SHALL INCLUDE THE BUDGET FOR THE JUSTICE COURT HAVING JURISDICTION
48 FOR SUCH TOWN OR VILLAGE.

49 (B) THE FISCAL YEAR FOR EACH JUSTICE COURT SHALL BE THE FISCAL YEAR
50 SPECIFIED IN ARTICLE EIGHT OF THE TOWN LAW, EXCEPT THAT THE FISCAL YEAR
51 FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY SHALL BE
52 THE FISCAL YEAR SPECIFIED IN ARTICLE FIVE OF THE VILLAGE LAW.

53 (C) EACH JUSTICE COURT, BY THE JUSTICES THEREOF OR THE COURT CLERK ON
54 BEHALF OF SUCH JUSTICES, SHALL PREPARE ITS PRELIMINARY BUDGET FOR THE

1 NEXT FISCAL YEAR IN CONSULTATION WITH THE SUPERVISOR OF THE TOWN OR
2 MAYOR OF THE VILLAGE FOR WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A
3 JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE
4 HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, IN CONSULTATION
5 WITH THE SUPERVISOR OR MAYOR OF EACH SUCH MUNICIPALITY. IN THE PREPARA-
6 TION OF SUCH PRELIMINARY BUDGET, THE JUSTICE COURT SHALL BE ENTITLED TO
7 RECEIVE SUCH TIMELY ASSISTANCE FROM APPROPRIATE MUNICIPAL OFFICERS AS
8 THE COURT REASONABLY MAY REQUEST. EACH JUSTICE COURT SHALL SUBMIT SUCH
9 PRELIMINARY BUDGET TO THE GOVERNING BOARD OF THE TOWN OR VILLAGE FOR
10 WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A JUSTICE COURT FOR MULTI-
11 PLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE
12 TWENTY-TWO OF THIS CHAPTER, TO THE GOVERNING BOARD OF EACH SUCH MUNICI-
13 PALITY, BY THE DATE SPECIFIED IN SECTION ONE HUNDRED FOUR OF THE TOWN
14 LAW OR BY THE DATE SPECIFIED IN SUBDIVISION TWO OF SECTION 5-502 OF THE
15 VILLAGE LAW FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES
16 ONLY. SUCH PRELIMINARY BUDGET SHALL BE REASONABLY SUFFICIENT FOR THE
17 COURT ADEQUATELY TO PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF
18 JUSTICE UNDER LAW.

19 (D) THE GOVERNING BOARD OF EACH TOWN OR VILLAGE SHALL ENACT BY LOCAL
20 LAW A BUDGET FOR SUCH JUSTICE COURT FOR THE NEXT SUCCEEDING FISCAL YEAR
21 THEREOF BY THE DATE ON WHICH THE BUDGET FOR SUCH TOWN OR VILLAGE IS
22 REQUIRED TO BE ENACTED. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES
23 PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS
24 CHAPTER, THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY SHALL ENACT BY
25 JOINT RESOLUTION A BUDGET FOR SUCH COURT FOR THE NEXT SUCCEEDING FISCAL
26 YEAR THEREOF BY THE DATE SPECIFIED IN SECTION ONE HUNDRED NINE OF THE
27 TOWN LAW FOR THE COUNTY IN WHICH THE COURT IS LOCATED, OR BY THE DATE
28 SPECIFIED IN SUBDIVISION FOUR OF SECTION 5-508 OF THE VILLAGE LAW FOR A
29 COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY. SUCH BUDGET
30 SHALL BE REASONABLY SUFFICIENT FOR THE COURT ADEQUATELY TO PERFORM ITS
31 DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.

32 (E) IF THE GOVERNING BOARD OR BOARDS SHALL FAIL TO ENACT A JUSTICE
33 COURT BUDGET IN THE MANNER AND BY THE DATE SPECIFIED IN SUBDIVISION (D)
34 OF THIS SECTION, THEN ON SUCH DATE THE PRELIMINARY BUDGET FOR SUCH COURT
35 FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF, WITH SUCH AMENDMENTS AS
36 THERETOFORE SHALL HAVE BEEN MADE BY THE GOVERNING BOARD BY LOCAL LAW OR
37 BY THE GOVERNING BOARDS BY JOINT RESOLUTION, SHALL BE DEEMED TO CONSTI-
38 TUTE THE BUDGET FOR SUCH COURT FOR SUCH FISCAL YEAR TO THE SAME EXTENT
39 AND EFFECT AS IF SUCH PRELIMINARY BUDGET WERE DULY ENACTED, AND THERE-
40 AFTER SUCH BUDGET MAY BE AMENDED BY LOCAL LAW FOR A JUSTICE COURT FOR A
41 SINGLE MUNICIPALITY OR BY JOINT RESOLUTION FOR A JUSTICE COURT FOR
42 MULTIPLE MUNICIPALITIES.

43 (F) EACH TOWN AND VILLAGE AS PART OF ITS BUDGET, AND EACH VILLAGE
44 SHARING A JUSTICE COURT WITH ONE OR MORE TOWNS PURSUANT TO ARTICLE TWEN-
45 TY-TWO OF THIS CHAPTER AS PART OF A SUPPLEMENTAL BUDGET OR OTHERWISE,
46 SHALL ON OR BEFORE THE DATE SPECIFIED IN SUBDIVISION (D) OF THIS SECTION
47 APPROPRIATE TO OR ON BEHALF OF SUCH COURT SUCH APPORTIONMENT OF FUNDS AS
48 REQUIRED BY SUBDIVISION (A) OF THIS SECTION FOR THE SUPPORT OF THE COURT
49 BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF. IF A JUSTICE COURT
50 BUDGET BE AMENDED PURSUANT TO SUBDIVISION (E) OF THIS SECTION, THEN EACH
51 SUCH MUNICIPALITY SHALL APPROPRIATE FORTHWITH TO OR ON BEHALF OF THE
52 COURT SUCH APPORTIONMENT OF ADDITIONAL FUNDS REQUIRED HEREUNDER FOR THE
53 SUPPORT OF SUCH AMENDED BUDGET.

54 S 2208. FINANCIAL MANAGEMENT.

55 (A) EACH JUSTICE COURT SHALL COMPLY WITH SUCH RULES AND REGULATIONS
56 GOVERNING FINANCIAL RECORDS, RECEIPT OF FUNDS, COURT REMITTANCES TO THE

1 JUSTICE COURT FUND, TRANSFERS OF FUNDS AMONG THE COURT AND EACH MUNICI-
2 PALITY FOR WHICH SUCH COURT EXERCISES JURISDICTION, AND SUCH OTHER
3 FISCAL CONTROL MATTERS AS THE STATE COMPTROLLER REASONABLY MAY DIRECT
4 PURSUANT TO SECTION NINETY-NINE-A OF THE STATE FINANCE LAW.

5 (B) EXCEPT AS THE STATE COMPTROLLER OTHERWISE MAY PROVIDE BY RULE, IN
6 EACH JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE
7 HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, EACH JUSTICE SHALL
8 CAUSE TO BE KEPT A SEPARATE SET OF RECORDS AND DOCKETS FOR EACH SUCH
9 MUNICIPALITY FOR WHICH HE OR SHE EXERCISES JURISDICTION AND A SEPARATE
10 BANK ACCOUNT FOR EACH SUCH MUNICIPALITY FOR THE DEPOSIT OF MONEYS
11 RECEIVED IN THE EXERCISE OF SUCH JURISDICTION.

12 (C) THE STATE COMPTROLLER SHALL ENSURE COMPLIANCE WITH THE PROVISIONS
13 OF THIS SECTION.

14 S 2209. ADJUSTMENTS TO JUDICIAL OFFICES.

15 (A) NOTWITHSTANDING ANY PROVISION OF LAW:

16 1. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE GOVERN-
17 ING BOARD THEREOF MAY BY LOCAL LAW ADJUST THE NUMBER OF JUSTICES OF SUCH
18 COURT; PROVIDED THAT EACH SUCH MUNICIPALITY SHALL HAVE AT LEAST ONE
19 JUSTICE AND A MUNICIPALITY HAVING ONLY ONE JUSTICE ALSO SHALL APPOINT AN
20 ACTING JUSTICE.

21 2. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION
22 ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, SUCH MUNICI-
23 PALITIES MAY, BY JOINT RESOLUTION ENACTED BY THE GOVERNING BOARD OF EACH
24 SUCH MUNICIPALITY, ADJUST THE NUMBER OF JUSTICES OF SUCH COURT AND/OR
25 THE APPORTIONMENT OF JUSTICES SELECTED BY AND AMONG SUCH MUNICIPALITIES;
26 PROVIDED THAT: (I) EACH SUCH TOWN SHALL SELECT AT LEAST ONE JUSTICE;
27 (II) THE TOTAL NUMBER OF JUSTICES ESTABLISHED HEREUNDER FOR SUCH COURT
28 SHALL BE NO LESS THAN THE SUM OF THE NUMBER OF SUCH MUNICIPALITIES AND
29 NO MORE THAN TWICE SUCH SUM; (III) EACH SUCH MUNICIPALITY HAVING LESS
30 THAN TWO JUSTICES SHALL APPOINT AN ACING JUSTICE; AND (IV) NO VILLAGE
31 FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE EFFECTIVE DATE OF
32 THIS ARTICLE SHALL SELECT A JUSTICE OR BE REQUIRED TO ENACT A JOINT
33 RESOLUTION HEREUNDER.

34 (B) ADJUSTMENT PROCEDURE. 1. EVERY LOCAL LAW OR JOINT RESOLUTION
35 PURSUANT TO THIS SECTION SHALL STATE THE FINDING OF THE GOVERNING BOARD
36 OR BOARDS THAT SUCH ADJUSTMENT WOULD PROMOTE THE TIMELY AND EFFECTIVE
37 DISPOSITION OF MATTERS COMING BEFORE THE COURT.

38 2. EVERY SUCH PROPOSED LOCAL LAW OR JOINT RESOLUTION SHALL BE SUBMIT-
39 TED TO THE CHIEF ADMINISTRATOR OF THE COURTS NOT LESS THAN NINETY DAYS
40 BEFORE THE GOVERNING BOARD OR BOARDS SHALL FINALLY ACT THEREON. NO SUCH
41 LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED DURING SUCH NINETY DAYS
42 NOR IF THE CHIEF ADMINISTER SHALL, DURING SUCH PERIOD, TRANSMIT TO THE
43 GOVERNING BOARD OR BOARDS A CERTIFICATE DETERMINING THAT THE ENACTMENT
44 OF SUCH LOCAL LAW OR JOINT RESOLUTION WOULD DISRUPT THE TIMELY DISPOSI-
45 TION OF MATTERS COMING BEFORE SUCH COURT OR OTHERWISE IMPAIR THE ADMIN-
46 ISTRATION OF JUSTICE. THE GOVERNING BOARD OR BOARDS SHALL SUBMIT TO THE
47 CHIEF ADMINISTRATOR SUCH DATA AS HE OR SHE MAY REQUEST TO EFFECTUATE
48 SUCH DETERMINATION.

49 3. NO SUCH LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED LESS THAN
50 THIRTY DAYS BEFORE THE FIRST DAY FIXED BY THE ELECTION LAW FOR THE NEXT
51 COMMENCEMENT OF CIRCULATION OF NOMINATING PETITIONS FOR SUCH OFFICE.

52 (C) THE OFFICE OF ANY JUDGESHIP CREATED PURSUANT TO THIS SECTION SHALL
53 FIRST BE FILLED OF A TERM OF FOUR YEARS AT THE NEXT SUCCEEDING ELECTION
54 OF THE TOWN OR VILLAGE THAT SUCH LOCAL LAW OR JOINT RESOLUTION SPECIFIES
55 TO SELECT SUCH NEW JUSTICE. WHERE A JUDGESHIP IS ABOLISHED PURSUANT TO
56 THIS SECTION, THE ABOLISHMENT SHALL TAKE EFFECT ON THE COMPLETION OF THE

1 TERM OF THE JUSTICE THEN SERVING IN SUCH OFFICE OR UPON THE SOONER
2 HAPPENING OF A VACANCY THEREIN.

3 S 2210. NON-JUDICIAL STAFF.

4 NOTWITHSTANDING ANY PROVISION OF LAW, EACH JUSTICE COURT SHALL HAVE AT
5 LEAST ONE CLERK AND SUCH OTHER PERSONNEL AS THE BUDGET FOR SUCH COURT
6 SHALL PROVIDE, WHO SHALL BE EMPLOYEES OF THE COURT.

7 S 2. Paragraph a of subdivision 2 of section 3-301 of the village law,
8 as amended by chapter 555 of the laws of 2006, is amended to read as
9 follows:

10 a. except as provided in section 3-303 of this article, no more than
11 two village justices, but in the event a village has one justice, it
12 shall also have an acting justice who shall serve when requested by the
13 village justice or in the absence or inability of the village justice to
14 serve. The office of village justice is continued in every village in
15 which it is now established[. The board of trustees of any other village
16 may establish such office by resolution or local law, subject to a
17 permissive referendum. The board of trustees of any village by resol-
18 ution or local law, subject to permissive referendum, may abolish such
19 office, but to take effect only upon the expiration of the then current
20 term of such office, or establish the office of additional village
21 justices, which justice once elected shall have all the powers and
22 duties of a village justice. The resolution or local law in the latter
23 case shall provide for a term pursuant to section 3-302 of this article.
24 The clerk of the court of a village shall be discharged from employment
25 only upon the advice and consent of the village justice or justices when
26 the clerk, in his or her village duties, works solely for the village
27 justice or justices], EXCEPT AS OTHERWISE PROVIDED BY SECTION TWENTY-TWO
28 HUNDRED NINE OF THE UNIFORM JUSTICE COURT ACT.

29 S 3. Subdivisions 1 and 4 of section 849-i of the judiciary law,
30 subdivision 1 as added by chapter 280 of the laws of 1999 and subdivi-
31 sion 4 as amended by chapter 127 of the laws of 2007, are amended to
32 read as follows:

33 1. Each town and village [having] RESPONSIBLE FOR FUNDING a justice
34 court IN WHOLE OR IN PART may make an individual application for funds
35 available pursuant to this article, or two or more such towns or
36 villages, or towns and villages, may make a joint application for such
37 funds, FOR THE SUPPORT OF SUCH COURT. All applications shall be submit-
38 ted to the chief administrator of the courts for his or her approval.

39 4. Notwithstanding any other provision of law, the chief administrator
40 shall not approve any application for funding in excess of THE GREATER
41 AMOUNT OF (A) thirty thousand dollars [unless such application is] OR,
42 IN THE CASE OF a joint application, THE PRODUCT OF THIRTY THOUSAND
43 DOLLARS and the [aggregate funding sought thereunder does not exceed an
44 amount equaling the product of the] number of joint applicants [making
45 such application and thirty thousand dollars], AND (B) THIRTY PERCENT OF
46 THE TOTAL AMOUNT BUDGETED FOR THE SUPPORT OF SUCH COURT AND CHARGED TO
47 SUCH MUNICIPALITY OR MUNICIPALITIES FOR THE FISCAL YEAR IN WHICH SUCH
48 FUNDS WOULD BE PAID, NOR APPROVE ANY SUCH APPLICATION FOR THE SUPPORT OF
49 A COURT NOT IN COMPLIANCE WITH RULES AND REGULATIONS GOVERNING THE
50 ADMINISTRATION AND OPERATION THEREOF AS THE CHIEF ADMINISTRATOR MAY
51 PROVIDE UNLESS THE PROVISION OF SUCH FUNDS IS PURSUANT TO A REMEDIAL
52 COMPLIANCE PLAN JOINTLY APPROVED BY THE CHIEF ADMINISTRATOR, THE
53 JUSTICES OF SUCH COURT AND THE CHIEF EXECUTIVE OFFICER OF EACH MUNICI-
54 PALITY RESPONSIBLE FOR FUNDING SUCH COURT PURSUANT TO ARTICLE
55 TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

1 S 4. Subdivision 3 of section 31 of the town law, as separately
2 amended by chapters 250 and 861 of the laws of 1975 and as renumbered by
3 chapter 123 of the laws of 1981, is amended to read as follows:

4 3. Notwithstanding any other law, actual and necessary expenses
5 incurred by a justice or justice elect in attending a course of training
6 required [of him] before he OR SHE can assume the functions of [his]
7 office shall be a charge against the town FOR WHICH HE OR SHE IS
8 SELECTED.

9 S 5. Section 69 of the town law, as added by chapter 544 of the laws
10 of 1954, is amended to read as follows:

11 S 69. Duties of town board with respect to justice courts. Each [town
12 board shall provide for each] justice [of the peace] PRESIDING IN A
13 JUSTICE COURT FOR A TOWN SHALL BE ENTITLED TO HAVE FURNISHED FOR HIS OR
14 HER USE such statutes, manuals, books, forms and supplies as may be
15 necessary for the proper administration of his OR HER office. The
16 expenses incurred in complying with the foregoing provisions shall be a
17 town charge within the meaning of this chapter EXCEPT AS OTHERWISE
18 PROVIDED BY ARTICLE TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

19 S 6. Subdivision 11 of section 116 of the town law, as added by chap-
20 ter 357 of the laws of 1936, is amended to read as follows:

21 11. The fees and charges of a [police] justice or other officer
22 authorized by law to be paid for services rendered and expenses incurred
23 on account of offenses committed in a village and [triable] TRIED before
24 [the police] A justice[,] COURT FOR SUCH VILLAGE BUT NOT FOR SUCH TOWN
25 shall not be a town charge or be audited or paid by the town board of
26 the town.

27 S 7. Subdivision 2 of section 4-410 of the village law, as amended by
28 chapter 976 of the laws of 1973, is amended to read as follows:

29 2. [All the] EXCEPT AS OTHERWISE PROVIDED BY ARTICLE TWENTY-TWO-A OF
30 THE UNIFORM JUSTICE COURT ACT, ALL expenses of maintaining the village
31 court[, including the fees of the village justice if he is not paid a
32 salary,] shall be a village charge. [The fees allowable to villages for
33 the services of magistrates and the fees allowable to other officers for
34 services in criminal proceedings, for or on account of an offense which
35 a court of special sessions has not jurisdiction to try, shall be a
36 county charge, if the magistrate had jurisdiction of the proceedings in
37 which the services were rendered.] A county shall pay any amount due to
38 a village for the services of a village justice which are a county
39 charge upon presentation to it of a claim by the state comptroller for
40 such charges each quarter. If any fine legally payable to the state[,]
41 shall have been erroneously paid to the village treasurer, the board of
42 trustees may, and is hereby authorized to, appropriate in its next annu-
43 al budget such sum as may be necessary to reimburse the state for such
44 fine so paid.

45 S 8. Subdivision 7 of section 5-524 of the village law, as amended by
46 chapter 222 of the laws of 1982, is amended to read as follows:

47 7. The actual and necessary expenses of all officers, employees, and,
48 when authorized by the board of trustees, the actual and necessary
49 expenses of the volunteer chief and assistant volunteer chiefs of the
50 village fire department incurred in the performance of their official
51 duties shall be a village charge. For the purposes of this subdivision
52 "actual and necessary expenses", as it applies to a volunteer chief or
53 assistant volunteer chief of the village fire department, means only
54 such expenses incurred in the performance of their extra official duties
55 as volunteer chief or assistant volunteer chief. The board of trustees
56 of any village, in lieu of auditing and allowing the claim of a village

1 officer, employee, or volunteer chief and assistant volunteer chiefs of
2 the village fire department for actual and necessary expenses for trav-
3 el, may determine by resolution to allow and pay such officer, employee,
4 or volunteer chief and assistant volunteer chiefs of the village fire
5 department a reasonable mileage allowance for use of his OR HER own
6 automobile for each mile actually and necessarily traveled by him OR HER
7 in the performance of the duties of his OR HER office or position, or in
8 attending a convention, conference or school pursuant to section seven-
9 ty-seven-b of the general municipal law. The actual and necessary
10 expenses incurred by a [police] VILLAGE justice OR JUSTICE ELECT who
11 does not also hold the office of town justice OR JUSTICE ELECT in
12 attending [a training school for justices provided by the education
13 department or given within his county by the county magistrate's associ-
14 ation] A COURSE OF TRAINING REQUIRED BEFORE HE OR SHE CAN ASSUME THE
15 FUNCTIONS OF OFFICE shall be a charge against the village [of] which he
16 OR SHE is [police justice. No such person, however, shall be allowed
17 such expenses for attending a regional school unless his village shall
18 be included within the area of such region as established by the educa-
19 tion department] SELECTED.

20 S 9. This act shall take effect immediately.

21 PART C

22 Section 1. The uniform justice court act is amended by adding two new
23 sections 105-a and 105-b to read as follows:

24 S 105-A. AGE AND EDUCATIONAL QUALIFICATIONS FOR TOWN AND VILLAGE
25 JUSTICES.

26 IN ADDITION TO OTHER QUALIFICATIONS FOR TOWN OR VILLAGE JUDICIAL
27 OFFICE ESTABLISHED BY LAW, NO PERSON OTHER THAN ONE SERVING AS A TOWN OR
28 VILLAGE JUSTICE ON THE EFFECTIVE DATE OF THIS SECTION SHALL BE ELIGIBLE
29 FOR SELECTION AS A TOWN OR VILLAGE JUSTICE UNLESS HE OR SHE SHALL HAVE
30 ACHIEVED THE AGE OF TWENTY-FIVE YEARS, GRADUATED FROM AN ACCREDITED HIGH
31 SCHOOL OR EARNED A GENERAL EQUIVALENCY DEGREE DIPLOMA, AND EARNED AN
32 ASSOCIATE OR BACCALAUREATE DEGREE FROM AN ACCREDITED INSTITUTION OF
33 HIGHER EDUCATION.

34 S 105-B. RESIDENCY REQUIREMENT FOR TOWN AND VILLAGE JUSTICES.

35 NOTWITHSTANDING ANY PROVISION OF LAW, A PERSON SHALL BE ELIGIBLE TO
36 SERVE AS A JUSTICE FOR ANY TOWN, OR FOR ANY VILLAGE WHOLLY OR PARTLY
37 LOCATED IN SUCH TOWN, WITHIN HIS OR HER COUNTY OF RESIDENCE OR AN
38 ADJOINING COUNTY. A JUSTICE WHO CEASES TO SATISFY THIS REQUIREMENT AS TO
39 ANY SUCH JUDICIAL OFFICE SHALL BE DEEMED TO VACATE SUCH OFFICE, WHICH
40 THEREAFTER SHALL BE FILLED IN THE MANNER PRESCRIBED BY LAW.

41 S 2. The uniform justice court act is amended by adding a new section
42 105-c to read as follows:

43 S 105-C. ELECTION TO PROCEED IN CERTAIN CRIMINAL ACTIONS.

44 (A) IN ACCORDANCE WITH THIS SECTION, A DEFENDANT APPEARING IN A
45 JUSTICE COURT PURSUANT TO AN ACCUSATORY INSTRUMENT THAT CHARGES A MISDE-
46 MEANOR OR FELONY MAY ELECT TO PROCEED IN SUCH MATTER ONLY BEFORE A
47 JUSTICE ADMITTED TO PRACTICE LAW IN THIS STATE. SUCH ELECTION SHALL BE
48 BY WRITTEN INSTRUMENT IN A FORM PRESCRIBED BY THE CHIEF ADMINISTRATOR OF
49 THE COURTS AND SHALL BE FILED WITH SUCH COURT NOT LATER THAN THE
50 COMPLETION OF THE FIRST APPEARANCE AT WHICH EITHER THE DEFENDANT MAKES A
51 MOTION OR SUCH COURT DECIDES A MOTION MADE BY THE PROSECUTOR.

52 (B) THE CHIEF ADMINISTRATOR SHALL PROMULGATE RULES TO EFFECTUATE THE
53 PROVISIONS OF THIS SECTION. SUCH RULES SHALL ENSURE THAT DEFENDANTS ARE
54 TIMELY ADVISED OF THE RIGHT OF ELECTION HEREUNDER AND THAT EACH CASE IN

1 WHICH A DEFENDANT MAKES SUCH AN ELECTION IS ASSIGNED TO A JUSTICE OR
2 JUDGE ADMITTED TO PRACTICE LAW IN THIS STATE WITH MINIMUM PRACTICABLE
3 DELAY AND BURDEN TO THE PARTIES.

4 S 3. Subdivision (a) of section 105 of the uniform justice court act,
5 as amended by chapter 250 of the laws of 1975, is amended to read as
6 follows:

7 (a) Training. No town or village justice [selected for a term of
8 office commencing on or after September first, nineteen hundred sixty-
9 seven], except one who has been admitted to practice law in this state,
10 shall assume the functions of [his] office unless he OR SHE has filed
11 with the clerk of [his] THE municipality IN WHICH HE OR SHE WAS SELECTED
12 a certificate of completion of a course OR COURSES of education and
13 training prescribed by the [administrative board. The administrative
14 board] CHIEF ADMINISTRATOR OF THE COURTS. THE CHIEF ADMINISTRATOR may
15 issue a temporary certificate enabling a town or village justice to
16 assume the functions of his OR HER office pending completion of the
17 earliest such course OR COURSES available thereafter, AND MAY ISSUE A
18 CERTIFICATE ENABLING A TOWN OR VILLAGE JUSTICE TO ASSUME PARTIAL FUNC-
19 TIONS OF OFFICE UPON SUCCESSFUL COMPLETION OF ANY PART OF SUCH COURSE OR
20 COURSES DIRECTLY RELATING TO SUCH PARTIAL FUNCTIONS PENDING SUCCESSFUL
21 COMPLETION OF THE NEXT COURSE OR COURSES RELATING TO THE REMAINING FUNC-
22 TIONS OF OFFICE THAT SUCH JUSTICE SHALL NOT YET BE CERTIFIED TO PERFORM.
23 Such certificates shall be in a form, and subject to terms and condi-
24 tions, prescribed by the [administrative board] CHIEF ADMINISTRATOR.

25 S 4. This act shall take effect immediately; provided, however, that
26 section one of this act shall take effect on the first of January next
27 succeeding the date on which it shall have become a law.

28 PART D

29 Section 1. Section 102 of the uniform justice court act is amended to
30 read as follows:

31 S 102. Application of UJCA.

32 THE JUSTICE COURTS OF THIS STATE SHALL INCLUDE EVERY COURT ESTABLISHED
33 TO SERVE AN INDIVIDUAL TOWN OR VILLAGE AND EVERY COURT ESTABLISHED TO
34 SERVE MULTIPLE SUCH LOCALITIES IN ACCORDANCE WITH THIS CHAPTER. The
35 jurisdiction of and practice and procedure in each SUCH court [governed
36 by the UJCA] shall be as prescribed herein, and each such court shall be
37 a part of the unified court system for the state. [Such] EACH SUCH court
38 [in each municipality] shall have an official seal [to be furnished by
39 the municipality] upon which shall be engraved the words "Justice Court
40 of the [(Town, Village or City) of] (insert name of municipality OR
41 MUNICIPALITIES FOR WHICH THE COURT PRESIDES), County of (insert name of
42 county), New York, Seal".

43 S 2. Section 103 of the uniform justice court act is amended to read
44 as follows:

45 S 103. Titles of justices; incidental powers.

46 The title of each justice [of:] SELECTED BY

47 [a.] a town [court] OR VILLAGE shall be "Town Justice"[:];

48 b. a village court shall be] OR "Village Justice"[:], RESPECTIVELY,
49 and EACH SUCH JUSTICE PRESIDING IN A JUSTICE COURT PURSUANT TO THIS
50 CHAPTER SHALL BE TITLED A JUSTICE OF SUCH COURT. A POWER, DUTY OR LIMI-
51 TATION DEVOLVING ON A JUSTICE OR COURT SUBJECT TO THIS CHAPTER SHALL
52 DEVOLVE ON EACH JUSTICE OF SUCH COURT EXCEPT AS OTHERWISE PROVIDED BY
53 LAW.

1 [c. a court established in and for a city and governed by this act
2 shall be "City Justice".]

3 In addition to such judicial powers as are conferred by law in this
4 act or elsewhere, each justice shall have all of the powers conferred or
5 conferrable on non-judicial personnel of the court.

6 S 3. Section 104 of the uniform justice court act is amended to read
7 as follows:

8 S 104. Bond and oath of justice.

9 Upon assuming office, each justice shall file with the county clerk
10 his OR HER oath of office and a bond in an amount fixed by the [munici-
11 pal] GOVERNING board OF THE TOWN OR VILLAGE FOR WHICH SUCH JUSTICE WAS
12 SELECTED, and conditioned for the faithful performance of his OR HER
13 duties. Additional copies of the oath shall be filed with the [adminis-
14 trative board] CHIEF ADMINISTRATOR OF THE COURTS and with the clerk of
15 [the municipality] SUCH TOWN OR VILLAGE.

16 S 4. Subdivisions 6, 8 and 9 of section 106 of the uniform justice
17 court act are REPEALED, subdivision 7, as renumbered by chapter 321 of
18 the laws of 2007, is renumbered subdivision 6, subdivision 10 is renum-
19 bered subdivision 7 and subdivisions 1 and 2 of such section, subdivi-
20 sion 1 as amended by chapter 499 of the laws of 1977 and subdivision 2
21 as added by chapter 321 of the laws of 2007, are amended to read as
22 follows;

23 1. A justice may hold court anywhere in the municipality OR MUNICI-
24 PALITIES FOR WHICH SUCH JUSTICE COURT PRESIDES, including in the case of
25 a town [justice] anywhere within a village wholly or partly contained
26 within [the] SUCH town [of which he is a justice regardless of] whether
27 or not [said] A DIFFERENT JUSTICE COURT PRESIDES FOR SUCH village [has a
28 village court and in the event]. IF two or more contiguous villages
29 maintain offices in the same building, a [village] justice of A JUSTICE
30 COURT PRESIDING FOR any such village may hold court in such building,
31 notwithstanding that the building is outside the boundaries of such
32 village. [A town justice may hold court in an adjacent town providing
33 such justice has been elected or holds office pursuant to a plan estab-
34 lished by resolution which was adopted pursuant to the provisions of
35 section one hundred six-a of this chapter.] FOR PURPOSES OF ARRAIGNMENTS
36 AND APPEARANCE PROCEEDINGS PURSUANT TO A WARRANT, A JUSTICE MAY PRESIDE
37 FOR HIS OR HER JUSTICE COURT ANYWHERE IN THE COUNTY IN WHICH SUCH COURT
38 IS ESTABLISHED PROVIDED THAT THE COUNTY, CITY, TOWN OR VILLAGE PROVIDING
39 THE COURT FACILITY IN WHICH SUCH JUSTICE SHALL PRESIDE FOR ANY OF SUCH
40 PURPOSES CONSENTS TO SUCH USAGE.

41 2. The chief administrator of the courts may temporarily assign any
42 justice of another town or village [court], or a judge of a city court,
43 to [a town or village] ANY JUSTICE court within the county of such
44 judge's or justice's residence or an adjoining county. While temporarily
45 assigned hereunder, any such judge or justice shall have the powers,
46 duties and jurisdiction of a justice of the court to which the assign-
47 ment is made. After the expiration of any temporary assignment here-
48 under, the judge or justice assigned shall have all the powers, duties
49 and jurisdiction of a judge or justice of the court to which the assign-
50 ment was made with respect to all matters pending during the term of
51 such temporary assignment. Such judge or justice shall be entitled to
52 such compensation and travel expenses as the chief administrator shall
53 prescribe by rule, payable out of funds appropriated to the state judi-
54 ciary for such purpose.

55 S 5. Section 107 of the uniform justice court act, as amended by chap-
56 ter 861 of the laws of 1975, is amended to read as follows:

1 S 107. Records and dockets of court.

2 Each justice shall keep or cause to be kept legible and suitable
3 books, papers, records and dockets of all [civil actions and proceedings
4 and all criminal actions and] proceedings. The rules may prescribe
5 their form, care, custody and disposition, provided, however, that in
6 any county or part of a county where the district court system has been
7 duly adopted, all the dockets of the [town] justices then on file or
8 required to be filed[,] in the office of the town OR VILLAGE clerk[,] OR
9 IN THE JUSTICE COURT FOR SUCH TOWN OR VILLAGE shall be transferred to
10 the office of the clerk of the district court and there kept and main-
11 tained in the same manner as other official records of the district
12 court and responsibility for such records on the part of the town OR
13 VILLAGE AND THE JUSTICES AND CLERKS THEREOF shall cease.

14 S 6. Section 109 of the uniform justice court act is amended to read
15 as follows:

16 S 109. Non-judicial personnel; their powers and duties.

17 Each court shall have such non-judicial personnel as may be provided
18 by the [municipal board] BUDGET FOR SUCH COURT PURSUANT TO THIS CHAPTER.
19 Their powers and duties in addition to those provided by this act, shall
20 be as provided in the rules OF THE CHIEF ADMINISTRATOR. All non-judicial
21 personnel of the court shall have the power to administer oaths, take
22 acknowledgments and sign the process or mandate of the court, if so
23 authorized by law[,] OR COURT rule [or appellate division order].

24 S 7. Paragraph 3 of subdivision (a) of section 110 of the uniform
25 justice court act, as amended by chapter 236 of the laws of 1971, is
26 amended to read as follows:

27 3. a JUSTICE court [established in and] for [a city and governed by
28 this act,] MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A
29 OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE POLICE OFFICIALS, MARSHALS
30 AND CONSTABLES OF EACH SUCH MUNICIPALITY, EACH ACTING FOR HIS OR HER
31 MUNICIPALITY, AND the sheriff of the county.

32 S 8. Subdivision (c) of section 111 of the uniform justice court act
33 is amended to read as follows:

34 (c) Bond. With such oath as is required to be filed by subdivision (b)
35 OF THIS SECTION shall be filed a bond, in an amount fixed and approved
36 by the municipal board OR, FOR A JUSTICE COURT FOR MULTIPLE MUNICI-
37 PALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF
38 THIS CHAPTER, BY JOINT RESOLUTION OF EACH SUCH MUNICIPALITY, conditioned
39 for the faithful performance of duty.

40 S 9. Section 201 of the uniform justice court act, as amended by chap-
41 ter 626 of the laws of 1970 and subdivision a as amended by chapter 685
42 of the laws of 1977, is amended to read as follows:

43 S 201. Jurisdiction; in general.

44 a. The court shall have jurisdiction as set forth in this article and
45 as elsewhere provided by law[, subject, in the case of a city court
46 governed by this act, to the limitations stated in S 2300 (b) (2) (i) of
47 this act]. The phrase "\$3000", whenever it appears herein, shall be
48 taken to mean "\$3000 exclusive of interest and costs"[, except that, in
49 the case of a city court governed by this act whose monetary jurisdic-
50 tion is, pursuant to S 2300 (b) (2) (i) of this act, below \$3000, it
51 shall be taken to mean such lesser sum as is applicable in the partic-
52 ular court, exclusive of interest and costs].

53 b. Concurrent civil jurisdiction of [town court] SEPARATE JUSTICE
54 COURTS PRESIDING FOR TOWN and village [court in village]. Notwithstand-
55 ing the provisions of this chapter [or section one hundred eighty-six of
56 the village law, the town] A JUSTICE court PRESIDING FOR A TOWN and [the

village] A SEPARATE JUSTICE court [of] PRESIDING FOR a village wholly or partly within such town [and wherein a court has been established], shall have concurrent civil jurisdiction over causes of action arising within such village.

S 10. The section heading and subdivisions (a) and (b) of section 213 of the uniform justice court act are amended to read as follows:

[Residence] LOCATION OF PARTY RESIDENCE or business [within municipality].

(a) In an action described in [S 202] SECTION TWO HUNDRED TWO OF THIS CHAPTER, either a plaintiff or a defendant must:

1. be a resident of [the municipality] A TOWN OR VILLAGE FOR WHICH SUCH JUSTICE COURT IS ESTABLISHED; or

2. have a regular employment within [the municipality] SUCH TOWN OR VILLAGE; or

3. have a place for the regular transaction of business within [the municipality] SUCH TOWN OR VILLAGE.

(b) A corporation, association or partnership shall, for the purposes of this section, be deemed a resident of the [municipality] TOWN OR VILLAGE if it has an office or agency or regularly transacts business [in the municipality] THEREIN.

S 11. Section 214 of the uniform justice court act, as amended by chapter 515 of the laws of 1978, is amended to read as follows:

S 214. Transferred cases IN WESTCHESTER COUNTY.

In a case brought in the supreme court or county court of Westchester county where money damages only are sought and classification, pretrial or other appropriate procedures in either of said courts or the demand for relief have determined that the potential recovery, assuming liability, in an action or proceeding or counterclaim therein will not exceed the sum of five thousand dollars, exclusive of interest and costs, if such action or proceeding is transferred to a [town or village] JUSTICE court in the county of Westchester having jurisdiction of the parties under section two hundred thirteen of this [act] ARTICLE, pursuant to section nineteen of article six of the state constitution, the verdict or judgment of such justice court shall not be subject to the limitation of monetary jurisdiction specified elsewhere in this article for such court, but shall be subject instead to a monetary jurisdiction not to exceed five thousand dollars, exclusive of interest and costs. Alternatively, for purposes of this section only, in the furtherance of the interests of justice, such transfer may be made (a) to a justice court [in] FOR a municipality adjacent to a municipality designated in section two hundred thirteen of this [act] ARTICLE or to a justice court [in] FOR a municipality adjacent to a city in Westchester county whose court would otherwise have had jurisdiction by [the calendar] A justice of the supreme court or judge of the county court; or (b) to any justice court in the county of Westchester by the administrative judge of the ninth judicial district. Costs incurred by local municipalities in administering their courts as a result of the application of this section shall be [a charge] CHARGES against the county of Westchester within the amounts appropriated by the county therefor and subject to reasonable rules and regulations thereof by the county.

S 12. Section 1306 of the uniform justice court act is REPEALED.

S 13. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, is amended to read as follows:

S 1801. Small claims defined.

The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of

1 three thousand dollars exclusive of interest and costs, provided that
2 the defendant either resides, or has an office for the transaction of
3 business or a regular employment, within [the] A municipality [where]
4 FOR WHICH the court [is located] PRESIDES. However, where a judge of the
5 county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim
6 from [the town or village] A JUSTICE court having jurisdiction over the
7 matter to another [town or village] JUSTICE court within the same county, the court to which it is transferred shall have jurisdiction to
8 determine the claim.
9

10
11 S 14. Paragraph 3 of subdivision (a) of section 1911 of the uniform
12 justice court act, as added by chapter 489 of the laws of 2001, is
13 amended to read as follows:

14 3. [a.] No [clerk of any town] JUSTICE court shall collect or charge
15 any fee imposed pursuant to paragraph one of this subdivision from [the]
16 ANY town [in] OR VILLAGE FOR which such court [has jurisdiction, nor
17 from any village located therein or] PRESIDES OR from any officer or
18 agency of ANY such town or village.

19 [b. No clerk of any village court shall collect or charge any fee
20 imposed pursuant to paragraph one of this subdivision from the village
21 in which such court has jurisdiction, or from any officer or agency of
22 such village.]

23 S 15. Section 2012 of the uniform justice court act is REPEALED.

24 S 16. Section 2019-a of the uniform justice court act, as amended by
25 chapter 861 of the laws of 1975, is amended to read as follows:

26 S 2019-a. Justices' criminal records and docket.

27 The records and dockets of the court except as otherwise provided by
28 law shall be at reasonable times open for inspection to the public and
29 shall be and remain the property of the [village or town of the residence of such justice] COURT, and at the expiration of the term of
30 office of [such] EACH justice THEREOF shall be forthwith filed by him in
31 the office of the clerk of such [village or town] COURT, provided,
32 however, that if such records and dockets are transferred pursuant to
33 section [twenty hundred twenty-one] TWO THOUSAND TWENTY-ONE of the
34 uniform district court act, the responsibility for such records and
35 dockets by the [city, village or town] JUSTICE COURT shall cease and
36 they shall be the property of the district court to which they are
37 transferred. The record of every criminal action shall state the names
38 of the witnesses sworn and their places of residence[, and if in a city,
39 the street and house number;], and every proceeding had before him OR
40 HER. It shall be the duty of every such justice, at least once a year
41 and upon the last audit day of [such village or town] THE MUNICIPALITY
42 OR, IN THE CASE OF A JUSTICE OF A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF
43 THIS CHAPTER, THE LAST AUDIT DAY OF EACH OF SUCH TOWNS ONLY EXCEPT IN
44 THE CASE OF A JUSTICE COURT FOR MULTIPLE VILLAGES ONLY, THE LAST AUDIT
45 DAY OF EACH OF SUCH VILLAGES, to present his OR HER records and docket
46 to the auditing board of EACH said [village or town, which] MUNICIPALITY. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE
47 GOVERNING board OF SUCH TOWN OR VILLAGE shall examine the said records
48 and docket, or cause THE same to be examined and a report thereon
49 submitted to the board by a certified public accountant, or a public
50 accountant and enter in the minutes of its proceedings the fact that
51 they have been duly examined, and that the fines AND FEES therein
52 collected have been turned over to the proper officials of [the] SUCH
53 village or town as required by law. FOR A JUSTICE COURT FOR MULTIPLE
54
55
56

1 MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-
2 TWO OF THIS CHAPTER, THE GOVERNING BOARDS OF EACH SUCH MUNICIPALITY
3 SHALL BY JOINT RESOLUTION CAUSE THE SAID RECORDS AND DOCKET TO BE EXAM-
4 INED IN THE MANNER PRESCRIBED BY THIS SECTION. EXAMINATIONS PURSUANT TO
5 THIS SECTION SHALL COMPLY WITH SUCH REASONABLE RULES AS THE STATE COMP-
6 TROLLER MAY PROVIDE. Any such justice who shall willfully fail to make
7 and enter in such records and docket forthwith[,] the entries by this
8 section required to be made or to exhibit such records and docket when
9 reasonably required, or present his OR HER records and docket [to the
10 auditing board] FOR AUDIT as herein required, shall be guilty of a
11 misdemeanor and shall, upon conviction, in addition to the punishment
12 provided by law for a misdemeanor, forfeit his OR HER office.

13 S 17. Subdivision 1 of section 2021 of the uniform justice court act,
14 as amended by chapter 460 of the laws of 1991, is amended to read as
15 follows:

16 1. A fine imposed and paid before commitment[,] must be received by
17 the court, and unless otherwise provided by law, shall be the property
18 of the town in which the offense was committed [if the fine was imposed
19 by a town court]. If, however, the [fine was imposed by a village court
20 for an] offense committed in a village FOR WHICH THERE EXISTED A VILLAGE
21 COURT ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER, then,
22 unless otherwise provided by law, the fine RECEIVED FOR SUCH OFFENSE
23 shall be the property of [the] SUCH village [in which the offense was
24 committed]. [All such fines shall be paid to the state comptroller by
25 the court on or before the tenth day of the month next succeeding their
26 collection.] Notwithstanding the foregoing provisions of this subdivi-
27 sion, all fines imposed for the violation of a village local law, ordi-
28 nance or regulation, unless otherwise provided by law, shall be the
29 property of such village, whether or not [the village] THERE has BEEN
30 established [the] FOR SUCH VILLAGE AN office of village justice.

31 S 18. Section 2021 of the uniform justice court act, as added by chap-
32 ter 1113 of the laws of 1971, is renumbered section 2022 and amended to
33 read as follows:

34 S 2022. Stenographer in criminal proceedings.

35 Whenever a contested criminal proceeding is prosecuted in a justice
36 court, [the justice] SUCH COURT may employ a stenographer to take the
37 testimony on such trial. The [municipal board shall fix the rate of
38 compensation to be paid to such stenographer for such services rendered.
39 Such compensation] COST THEREOF shall be a [municipal] charge AGAINST
40 SUCH COURT, and shall be audited and paid upon certification by the
41 court [specifying the number of folios furnished].

42 S 19. Section 2101 of the uniform justice court act, paragraph 1 of
43 subdivision (n) as amended by chapter 626 of the laws of 1970, is
44 amended to read as follows:

45 S 2101. Definitions.

46 The following words or phrases used in this act shall have the meaning
47 defined in this section, unless otherwise apparent from the context:

48 (a) "Administrative board" means the administrative board of the judi-
49 cial conference of the state.

50 (b) "Administrative judge" means the judicial officer designated, by
51 the appellate division of the department in which the court is located,
52 to be administrator of the particular court.

53 (c) "Appellate division" means the appellate division of the supreme
54 court in and for the department in which the particular court is
55 located, or its designated administrative judge.

(d) ["City" means the city in and for which is established the particular court, which court is established in and for a city and is governed by this act, to which this act is being applied.

(e) "City justice" means the justice or justices of the particular court, established in and for a city and governed by this act, to which court this act is being applied.

(f)] "Clerk" means the clerk of the particular court to which this act is being applied, or the non-judicial person performing the functions of such office; if the particular court has no such clerk or non-judicial person, it means the justice of such court.

[(g)] (E) "County" means the county in which is located, in whole or in part, the municipality in and for which the particular court to which this act is being applied is located.

[(h)] (F) "County clerk" means the clerk of the county defined above.

[(i)] (G) "Court" [embraces] AND "JUSTICE COURT" SHALL EMBRACE each and every JUSTICE court or office to which this act is applicable pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED OF THIS ACT and, for purposes of the application of this act to each such court, it shall be taken as a reference to [either:

1.] the [town] court [of] PRESIDING FOR the particular town[;] or

[2. the village court of the particular] village, INCLUDING A COURT FOR SUCH MULTIPLE MUNICIPALITIES, and if there is no court [established in and] for the particular village [it means] THEN the [town] court, if any, [of] FOR the town in which the village is located in whole or in part[; or

3. the court established in and for the particular city, if such court is governed by this act;], as the case may be.

[(j)] (H) "Court established in and for a city" means a court established in and for a city, which court is governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED of this act.

[(k)] (I) "Enforcement officer" means any appropriate officer as enumerated in [S 110] SECTION ONE HUNDRED TEN of this act.

[(l)] (J) "Justice" embraces every justice of every court to which this act applies, and it shall be taken as a reference to the justice of the particular court to which this act is being applied.

[(m)] (K) "Municipal board" means the local governing body of the town[, OR village [or city in and] for which the particular court to which this act is being applied [is established] PRESIDES.

[(n)] (L) "Municipality" means[, as applied to:

1. a town court,] the town [in and] for which [it is established and it includes] A JUSTICE COURT PRESIDES, INCLUDING a village located in whole or in part within the town with respect to civil causes of action arising within such village or if there is no OTHER court [established in and] PRESIDING for such village[;], OR

[2. a] THE village [court, the village in and] for which [it is established] A JUSTICE COURT PRESIDES WHERE ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER THERE EXISTED A VILLAGE COURT FOR SUCH VILLAGE, AS THE CASE MAY BE[; and

3. a court established in and for a city, which court is governed by this act, the city in and for which it is established].

[(o)] (M) "Rules" means the rules adopted pursuant to [S 2103] SECTION TWENTY-ONE HUNDRED THREE of this act.

[(p)] (N) "Town" means the town [in and] for which [is established] the particular [town] JUSTICE court to which this act is being applied PRESIDES. It does not include any village which is in whole or in part within the town unless there [is] WAS no village court established [in

1 and] for such village ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF
2 THIS CHAPTER, in which event it does include such village. [It does not
3 include any city.]

4 [(q)] (O) "Town court" means the particular court or [office estab-
5 lished in and] JUSTICE for a town, which court or [office] JUSTICE is
6 governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED
7 of this act and to which this act is being applied.

8 [(r)] (P) "Town justice" means the justice or justices of the partic-
9 ular [town] JUSTICE court FOR THE TOWN to which this act is being
10 applied.

11 [(s)] (Q) "Village" means the village [in and] for which [is estab-
12 lished] the particular [village] JUSTICE court to which this act is
13 being applied PRESIDES OR FOR WHICH A VILLAGE COURT WAS ESTABLISHED ON
14 THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER.

15 [(t)] (R) "Village court" means the particular court or [office estab-
16 lished in and] JUSTICE for a village, which court or [office] JUSTICE is
17 governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED
18 of this act and to which this act is being applied.

19 [(u)] (S) "Village justice" means the justice or justices of the
20 particular [village] JUSTICE court FOR THE VILLAGE to which this act is
21 being applied.

22 S 20. Subdivision (b) of section 2300 of the uniform justice court act
23 is amended to read as follows:

24 (b) Courts to which applicable.

25 [1. Town and village courts.] This act shall apply to[:

26 (i)] every court in the state [which is] established [in] and PRESID-
27 ING for [a town, whether] ONE OR MORE TOWNS AND/OR ONE OR MORE VILLAGES,
28 BY WHATEVER NAME SUCH COURT PREVIOUSLY WAS denominated ["justice court",
29 "justice's court", "justice of the peace", "town court", "office of
30 justice of the peace", or any other combination of words denoting the
31 office or court commonly known as that of justice of the peace of a
32 town; and

33 (ii) every court in the state which is established in and for a
34 village, whether denominated "village court", "village justice", "police
35 justice", "police court", "village police justice", "village justice of
36 the peace", "office of village police justice", or any other combination
37 of words denoting the office or court commonly known as that of village
38 police justice], except as provided by PARAGRAPH TWO OF subdivision
39 (d) [(2)] OF THIS SECTION regarding areas of a district court.

40 [2. City courts. The applicability of this act to courts established
41 in and for cities outside the city of New York, regardless of the name
42 or designation of such courts, shall be as provided in the following
43 subparagraphs.

44 (i) Civil jurisdiction. If the court has civil jurisdiction, but in
45 its exercise is governed by the UCCA pursuant to either paragraph one or
46 three of UCCA S 2300(c), no part of this act shall apply to such court.
47 If the court exercised civil jurisdiction immediately prior to the
48 effective date of this act and in the exercise thereof the court was and
49 is not governed by the UCCA pursuant to either paragraph one or three of
50 UCCA S 2300(c), this act, with the exception of article 20 and such
51 other provisions hereof as are concerned with the criminal practice and
52 procedure, shall apply to the court. In such instance, the basic mone-
53 tary jurisdiction of the court, for purposes of article two of this act,
54 shall be as elsewhere provided by law for such court; and if the law
55 providing for the monetary jurisdiction of such court states no monetary
56 figure, but adopts by reference such figure as is supplied by a differ-

ent law, the reference shall be disregarded and the monetary jurisdiction of such court, for purposes of article two of this act, shall be \$500.

(ii) Criminal jurisdiction. Article 20 of this act, and such other portions hereof as are concerned exclusively with criminal jurisdiction, practice or procedure, shall not apply to any court established in and for a city.]

S 21. Section 99-k of the general municipal law is REPEALED.

S 22. The opening paragraph of subdivision 1 of section 99-1 of the general municipal law, as amended by chapter 452 of the laws of 1997, is amended to read as follows:

[Towns and villages, for their own respective benefits shall be entitled to receive for] FOR the services of the town [court and the] OR village [court] in WHOSE FACILITY A JUSTICE COURT PRESIDES OVER A criminal [actions and] ACTION OR other [proceedings] PROCEEDING, THE COURT SHALL COLLECT ON BEHALF OF SUCH TOWN OR VILLAGE:

S 23. Subdivision 2 of section 99-m of the general municipal law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

2. A JUSTICE COURT FOR A town or village [court], INCLUDING A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OR THE UNIFORM JUSTICE COURT ACT, shall be entitled to a fee of two per centum of the amount of bail money deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction, other than an action or proceeding in which the accusatory instrument charges one or more traffic infractions only, and an additional fee of one per centum as provided herein. The total fees on a sum of bail shall not, however, exceed three per centum and [a town or village] SUCH court shall not be entitled to collect such fees on bail transferred to a superior court. All fees on bail collected by [a town or village] SUCH court shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection, except as provided in subdivision three of section ninety-nine-a of the state finance law. [Two] FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, TWO per centum of the bail moneys so collected shall be the property of [the] SUCH town or village [in which the court reporting the same is located, and the]; FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, EACH SUCH MUNICIPALITY SHALL SHARE SUCH TWO PER CENTUM IN PROPORTION TO THE POPULATION OF EACH SUCH MUNICIPALITY AS MEASURED IN THE PRECEDING FEDERAL DECENNIAL CENSUS OR ENUMERATION, AS THE STATE COMPTROLLER SHALL PROVIDE. THE additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the [town or village] COURT is located.

S 24. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by [town and village] justice courts, and by the Nassau county traffic and parking violations agency, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding

1 any law to the contrary, the alternative procedures utilized may
2 include:

3 a. electronic funds transfer;

4 b. remittance of funds by the justice court to the chief fiscal office
5 of the town or village[, or, in the case of]; FOR JUSTICE COURTS FOR
6 MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE
7 TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, TO THE CHIEF FISCAL OFFICER
8 OF EACH SUCH MUNICIPALITY; AND FOR the Nassau county traffic and parking
9 violations agency, to the county treasurer, ALL for distribution in
10 accordance with instructions by the comptroller; and/or

11 c. monthly, rather than quarterly, distribution of funds.

12 The comptroller may require such reporting and record keeping as he or
13 she deems necessary to ensure the proper distribution of moneys in
14 accordance with applicable laws. A justice court or the Nassau county
15 traffic and parking violations bureau may utilize these procedures only
16 when permitted by the comptroller, and such permission, once given, may
17 subsequently be withdrawn by the comptroller on due notice.

18 S 25. Paragraph b of subdivision 1 and subdivision 2 of section 1803
19 of the vehicle and traffic law, paragraph b of subdivision 1 as amended
20 by chapter 385 of the laws of 1999 and subdivision 2 as amended by chap-
21 ter 1097 of the laws of 1971, are amended to read as follows:

22 b. for a violation which occurs in a village in which the office of
23 village justice [is] WAS established ON THE EFFECTIVE DATE OF ARTICLE
24 TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, any fine or penalty shall
25 be paid to the village in which the violation occurs, when such
26 violation is of (1) any of the provisions of title seven of this chap-
27 ter, but including violations of section eleven hundred eighty OF THIS
28 CHAPTER only when occurring in state parks for which the office of
29 parks, recreation and historic preservation has established maximum
30 speed limits pursuant to section sixteen hundred thirty OF THIS CHAPTER
31 and the violations could have been charged under either such established
32 maximum speed limits or another section of this chapter, and when
33 involving maximum speed limits established pursuant to section sixteen
34 hundred forty-three, sixteen hundred forty-four or sixteen hundred
35 seventy OF THIS CHAPTER, and excluding violations of sections eleven
36 hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve
37 of this chapter, or (2) any ordinance, order, rule or regulation adopted
38 pursuant to article two-E of the transportation law or section sixteen
39 hundred thirty of this chapter by the East Hudson Parkway Authority or
40 by its successor, or the County of Westchester Department of Parks,
41 Recreation and Conservation, or the state office of parks, recreation
42 and historic preservation. For purposes of this paragraph, violations
43 shall be deemed to be violations of any such ordinance, order, rule or
44 regulation when they occur on highways under the jurisdiction of the
45 enumerated entities and the violations could have been charged under
46 either such ordinance, order, rule or regulation, or another section of
47 this chapter. Notwithstanding the foregoing provisions of this para-
48 graph, all fines, penalties and forfeitures for violation of a village
49 ordinance, local law or regulation adopted pursuant to the authorization
50 of paragraph six of subdivision (a) of section sixteen hundred forty of
51 this chapter prohibiting, restricting or limiting the stopping, standing
52 or parking of vehicles shall be paid to such village whether or not the
53 village has OR HAD established the office of village justice.

54 2. Whenever a defendant is arrested and arraigned before a judicial
55 officer authorized to conduct any proceedings in or in connection with
56 any prosecution triable in any local court of inferior jurisdiction [of]

1 FOR a city [or before a], town [court,] or [a] village [court] on a
2 charge in which the state is entitled to all fines and penalties under a
3 sentence or judgment of conviction such city, town or village shall be
4 entitled to receive the fees set forth in section ninety-nine-1 of the
5 general municipal law and such fees shall be a state charge and paid as
6 provided in section ninety-nine-a of the state finance law.

7 S 26. Section 45 of the agriculture and markets law, as amended by
8 chapter 892 of the laws of 1972, is amended to read as follows:

9 S 45. Disposal of fines and moneys recovered. Except as otherwise
10 provided in this chapter, all moneys recovered, either as fines, penal-
11 ties, forfeitures or otherwise, for the violation of any of the
12 provisions of this chapter, or of any other law the enforcement of which
13 is within the jurisdiction of the department, or of the rules of the
14 department, and all bail forfeited by persons charged with such
15 violations, shall be the property of the state. Moneys so recovered by
16 [town justices] JUSTICE COURTS shall be paid to the state comptroller in
17 accordance with the provisions of section twenty-seven of the town law
18 [and] EXCEPT THAT moneys so recovered by [village justices] JUSTICE
19 COURTS FOR ONE OR MORE VILLAGES ONLY shall be paid to the state comp-
20 troller in accordance with the provisions of section 4-410 of the
21 village law. The same disposal shall be made of all moneys recovered
22 upon any bond given by any officer by virtue of the provisions of this
23 chapter. Provided, however, that any such moneys collected as fines,
24 penalties or forfeitures as a result of a prosecution for a violation of
25 any of the provisions of article sixteen [and sixteen-a] of this chapter
26 and all bail forfeited by persons charged with such violations shall be
27 the property of the county or city, as the case may be, in which the
28 alleged offense was prosecuted and shall be paid to the treasurer, or
29 corresponding fiscal officer, of such county or city, except that any
30 such moneys and any such bail forfeitures, collected by [the town
31 justices or by village justices] JUSTICE COURTS shall be paid to the
32 state comptroller in accordance with section twenty-seven of the town
33 law and MONEYS SO RECOVERED BY JUSTICE COURTS FOR ONE OR MORE VILLAGES
34 ONLY SHALL BE PAID TO THE STATE COMPTROLLER IN ACCORDANCE WITH section
35 4-410 of the village law, respectively.

36 S 27. Subdivision 2 of section 71-0211 of the environmental conserva-
37 tion law, as amended by chapter 460 of the laws of 1991, is amended to
38 read as follows:

39 2. Unless otherwise provided in this chapter, not later than the tenth
40 day of each month, all fines, penalties and forfeitures collected for
41 violations of this chapter or rules, regulations, local laws or ordi-
42 nances adopted thereunder under judgment of any [town or village]
43 JUSTICE court[,] shall be paid over by such court to the comptroller of
44 the state, with a statement accompanying the same, setting forth the
45 action or proceeding in which such moneys were collected, the name and
46 residence of the defendant, the nature of the offense, and the fines and
47 penalty imposed. The comptroller shall pay these funds into the general
48 fund of the state.

49 S 28. Subdivisions 2 and 3 of section 71-0507 of the environmental
50 conservation law, subdivision 3 as amended by chapter 400 of the laws of
51 1973, are amended to read as follows:

52 2. Such actions, if in [justices' courts] A JUSTICE COURT, may be
53 brought in THE JUSTICE COURT FOR any town OR VILLAGE of the county in
54 which the penalty is incurred, or, if the defendant resides in another
55 county, [in] FOR any town OR VILLAGE of the county in which the defend-
56 ant resides.

1 3. Moneys received by a [town justice or a village] justice COURT in
2 any action for a penalty brought under the provisions of this chapter
3 listed in section 71-0501 [of] OR titles 5 through 15 inclusive and
4 title 33 or upon the settlement or compromise thereof, or a fine for a
5 violation of the provisions of this chapter listed in section 71-0501
6 and titles 5 through 15 inclusive and title 33 of this article shall be
7 paid to the State Comptroller as provided in section 27 of the [Town
8 Law] TOWN LAW and section 4-410 of the village law. From the moneys so
9 received, the State Comptroller shall pay all lawful fees for services
10 rendered in such actions when instituted by order of the department or
11 upon information of a conservation officer, regional and assistant
12 regional conservation officer, special game protector, district ranger,
13 forest ranger, or member of the state police. The balance of such moneys
14 arising from penalties under articles 11 or 13 OF THIS CHAPTER or title
15 9 of this article or upon the settlement or compromise thereof or from
16 fines for violations of any of the provisions of articles 11 or 13 OF
17 THIS CHAPTER or title 9 of this article after the payment of lawful fees
18 shall be credited by the Comptroller to the conservation fund. The Comp-
19 troller shall adjust and settle his OR HER account with the conservation
20 fund in the manner provided by section 99-a of the [State Finance Law]
21 STATE FINANCE LAW. The balance of all other such moneys after payment of
22 lawful fees shall be credited by the Comptroller to the general fund.

23 S 29. Section 71-0521 of the environmental conservation law is amended
24 to read as follows:

25 S 71-0521. Certificate by court [or justice].

26 The court [or justice], other than a [town justice or a village
27 police] justice COURT, before whom any person shall be tried or before
28 whom a compromise of the civil penalties for a violation of any
29 provision of this chapter listed in section 71-0501 or under titles 5
30 through 15 inclusive and title 33 of this article, shall have been made,
31 or the clerk of the court, [if there be a clerk,] shall, at the termi-
32 nation of such trial or proceeding, forthwith mail or deliver to the
33 department at Albany, or to its representative at such trial or proceed-
34 ing, a certified statement of the disposition of the case or proceeding,
35 giving the date thereof, the name of the defendant, the name of the
36 person upon whose information the action or proceeding was instituted,
37 the date and place of the violation, the name of each witness sworn in
38 support of the charges, and the costs of the court [or fees of the
39 justice], and the fees of the constable, if any. Provided, however,
40 that a [town] justice [or a village police justice] COURT before whom
41 any person shall be tried or before whom a compromise of the civil
42 penalties for a violation of any provision of this chapter listed in
43 section 71-0501 or under titles 5 through 15 inclusive and title 33 of
44 this article, shall have been made, OR THE CLERK OF SUCH COURT, shall
45 forthwith mail or deliver to the department at Albany or to its repre-
46 sentative in attendance at such trial or proceeding such certified
47 statement, and within the first ten days of the month following the
48 termination of such trial or proceeding deliver to the State Comptroller
49 at Albany a statement in such form as the Comptroller may require. The
50 Comptroller upon receipt of such statement shall, as provided in section
51 71-0507, audit the bills of the justice [of the peace] COURT and the
52 constable for fees in such trial or proceeding and shall pay to the
53 persons entitled thereto the amounts allowed by such audit and shall
54 charge same to the conservation fund.

55 S 30. Subdivision 2 of section 52 of the workers' compensation law, as
56 amended by chapter 6 of the laws of 2007, is amended to read as follows:

2. All fines imposed under this chapter, except as herein otherwise provided, shall be paid directly and immediately by the officer collecting the same to the [chairman] CHAIRPERSON, and shall be paid by him OR HER into the uninsured employers' fund created under section twenty-six-a of this chapter, provided, however, that all such fines collected by [justices of towns and villages] JUSTICE COURTS shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law and section 4-410 of the village law respectively.

S 31. Subdivision 1 of section 27.13 of the parks, recreation and historic preservation law, as amended by chapter 292 of the laws of 1980, is amended to read as follows:

1. Not later than the tenth day of each month, all fines and penalties collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any [town or village] JUSTICE court[,] shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed.

All fines and penalties collected for violations of this chapter by courts operating pursuant to section thirty-nine of the judiciary law shall be paid to the state commissioner of taxation and finance on a monthly basis no later than ten days after the last day of each month.

S 32. Subdivisions 1 and 3 of section 201 of the navigation law, as amended by chapter 805 of the laws of 1992, are amended to read as follows:

1. On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this chapter, except for violations of article six OF THIS CHAPTER, under judgment of any [town or village court or] justice COURT or pursuant to compromise, shall be paid over by such court [or justice] to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fine or penalty imposed.

3. All fines and penalties imposed for violations of article four of this chapter under judgment of any [town or village court or] justice COURT or pursuant to compromise which are paid over by such court [or justice] to the comptroller shall be deposited by the comptroller into the "I love NY waterways" boating safety fund established pursuant to section ninety-seven-nn of the state finance law.

S 33. This act shall take effect immediately.

S 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 5. This act shall take effect immediately; provided, however that the applicable effective date of Parts A through D of this act shall be as specifically set forth in the last section of such Parts.