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

7958

2009-2010 Regular Sessions

I N A S S E M B L Y

April 29, 2009

Introduced by M. of A. CYMBROWITZ -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to commencement of a special proceeding

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

Section 1. Paragraph 1 of subdivision (b) of section 506 of the civil practice law and rules is amended to read as follows:

1. a proceeding against a justice of the supreme court [or], a judge of a county court, A JUDGE OF A FAMILY COURT, A JUDGE OF THE COURT OF CLAIMS or [the court of general sessions] A JUDGE OF A SURROGATE'S COURT shall be commenced in the appellate division in the judicial department where the action, in the course of which the matter sought to be enforced or restrained originated, is triable, unless a term of the appellate division in that department is not in session, in which case the proceeding may be commenced in the appellate division in an adjoining judicial department; and

S 2. This act shall take effect immediately and shall apply to all proceedings commenced on or after such effective date.

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

LBD09158-01-9