

8976

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. CANESTRARI, McENENY, WEINSTEIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

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

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

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

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

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

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

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

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

13 S 3. Subparagraph (i) of paragraph 1 of subdivision (e) of section  
14 2104 of the uniform city court act, as amended by chapter 493 of the  
15 laws of 2006, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (c) Notwithstanding any other provision of this act, upon the aboli-  
 53 tion of the office of part-time city court judge in the city of Lock-  
 54 port, pursuant to paragraph (i) of subdivision (a) of this section, the  
 55 office of full-time judgeship that replaces such part-time judgeship  
 56 shall be elective except that, when such full-time judgeship is first

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

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

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

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