

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 25 of article 6 of the constitution, in relation to service by retired judges and justices

1 Section 1. RESOLVED (if the Senate concur), That subdivision b of
2 section 25 of article 6 of the constitution be amended to read as
3 follows:
4 b. Each judge of the court of appeals, justice of the supreme court,
5 judge of the court of claims, judge of the county court, judge of the
6 surrogate's court, judge of the family court, judge of a court for the
7 city of New York established pursuant to section fifteen of this article
8 and judge of the district court shall retire on the last day of December
9 in the year in which he or she reaches the age of seventy. Each such
10 former judge of the court of appeals and justice of the supreme court
11 may thereafter perform the duties of a justice of the supreme court,
12 with power to hear and determine actions and proceedings, provided,
13 however, that it shall be certificated in the manner provided by law
14 that the services of such judge or justice are necessary to expedite the
15 business of the court and that he or she is mentally and physically able
16 and competent to perform the full duties of such office. Any such
17 certification shall be valid for a term of two years and may be extended
18 as provided by law for additional terms of two years. A retired judge or
19 justice shall serve no longer than until the last day of December in the
20 year in which he or she reaches the age of [seventy-six] EIGHTY. A
21 retired judge or justice shall be subject to assignment by the appellate
22 division of the supreme court of the judicial department of his or her
23 residence. Any retired justice of the supreme court who had been desig-
24 nated to and served as a justice of any appellate division immediately
25 preceding his or her reaching the age of seventy shall be eligible for
26 designation by the governor as a temporary or additional justice of the

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

1 appellate division. A retired judge or justice shall not be counted in
2 determining the number of justices in a judicial district for purposes
3 of subdivision d of section six of this article.

4 S 2. RESOLVED (if the Senate concur), That the foregoing be referred
5 to the first regular legislative session convening after the next
6 succeeding general election of members of the assembly, and, in conform-
7 ity with section 1 of article 19 of the constitution, be published for 3
8 months previous to the time of such election.