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

8120--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. GALEF -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to the merger of the Ossining town and village courts

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

Section 1. The board of trustees of the village of Ossining, at least sixty days prior to the regular election to be held in November 2011, may by resolution abolish the village court and the office of village justice of such village, effective January 1, 2012; provided, however, such village court may not be abolished unless the town board of the town of Ossining shall have adopted a resolution agreeing to such abolition.

S 2. Subdivision 1 of section 20 of the town law is amended by adding a new paragraph (o) to read as follows:

(O) IN THE EVENT THE VILLAGE COURT OF THE VILLAGE OF OSSINING, COUNTY OF WESTCHESTER, IS ABOLISHED EFFECTIVE JANUARY FIRST, TWO THOUSAND TWELVE, THE TOWN COURT OF THE TOWN OF OSSINING, COUNTY OF WESTCHESTER, SHALL THEREUPON HAVE THREE TOWN JUSTICES. THE THIRD TOWN JUSTICE ESTABLISHED BY THIS PARAGRAPH SHALL FIRST BE FILLED BY ELECTION AT THE REGULAR ELECTION HELD IMMEDIATELY PRIOR TO THE DATE OF ABOLITION OF THE VILLAGE COURT OF THE VILLAGE OF OSSINING AS PROVIDED BY THE ELECTION LAW AND THE PUBLIC OFFICERS LAW.

S 3. Unless otherwise provided by joint resolution of the board of trustees of the village of Ossining and the town board of the town of Ossining, county of Westchester, all nonjudicial employees of the village court of the village of Ossining upon the abolition of such court pursuant to this act shall thereupon become nonjudicial employees of the town court of the town of Ossining at the same salary and seniority with comparable benefits.

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

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S 4. Upon the abolition of the village court of the village of Ossining in accordance with this act, all actions and proceedings pending in such court shall be transferred to the town court of the town of Ossining.

S 5. If the resolutions adopted pursuant to section one of this act so provides, all fines imposed for the violation of a village local law, ordinance or regulation, unless otherwise provided by law, shall be the property of such village.

S 6. The village of Ossining shall have the right to re-establish the village court and the office of village justice in accordance with the provisions of section 3-301 of the village law. The town of Ossining may abolish the third town justice as added by paragraph (o) of subdivision 1 of section 20 of the town law at the end of a four year term in the event that the village of Ossining re-establishes the office of village justice; provided, however, that all nonjudicial employees of the town court that were formerly nonjudicial employees of the village court shall have the option to be transferred to the village court of the village of Ossining at the same salary and seniority with comparable benefits as when they were nonjudicial employees of the town court of the town of Ossining.

S 7. This act shall take effect July 8, 2011; provided, however, that if this act shall have become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 8, 2011.