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I N   A S S E M B L Y

June 14, 2012

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Introduced by COMMITTEE ON RULES -- (at request of 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 the  
location of the presiding justice in certain circumstances

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

1     Section 1. Subdivision 1 of section 106 of the uniform justice court  
2     act, as amended by section 1 of part L of chapter 56 of the laws of  
3     2010, is amended to read as follows:  
4     1. A justice may hold court anywhere in the municipality including in  
5     the case of a town justice anywhere within a village wholly or partly  
6     contained within the town of which he is a justice regardless of whether  
7     or not said village has a village court and in the event two or more  
8     contiguous villages maintain offices in the same building, a village  
9     justice of any such village may hold court in such building, notwithstanding  
10    that the building is outside the boundaries of such village. A  
11    town justice may hold court in an adjacent town providing such justice  
12    has been elected or holds office pursuant to a plan established by  
13    resolution which was adopted pursuant to the provisions of section one  
14    hundred six-a of this article or the provisions of section one hundred  
15    six-b of this article. A justice may hold court in one or more municipalities  
16    that form a contiguous geographic area, including in a town and  
17    one or more villages each of which is wholly or partly contained within  
18    such town, within the same county providing there is an agreement  
19    between such municipalities pursuant to article five-g of the general  
20    municipal law to hold all court proceedings in any of the such municipalities  
21    in a courtroom or other suitable facility open to the public.  
22    FOR PURPOSES OF ARRAIGNMENTS, APPEARANCE PROCEEDINGS OR PURSUANT TO A  
23    WARRANT, A JUSTICE MAY PRESIDE ANYWHERE IN THE COUNTY PROVIDED THAT:  
24    A. A JUSTICE CANNOT BE SECURED IN THE MUNICIPALITY WHERE THE INCIDENT  
25    OCCURRED;  
26    B. THE RECEIVING MUNICIPALITY HAS BEEN CONTACTED AND CANNOT SECURE ANY  
27    OF THE JUSTICES WITHIN THE CONTIGUOUS BOUNDARY; AND

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

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1 C. THE JUSTICE IS ASSIGNED PURSUANT TO AN EMERGENCY PLAN THAT MAY BE  
2 ESTABLISHED BY THE CHIEF ADMINISTRATOR OF THE COURTS WITHIN THE JURIS-  
3 DICTION WHEN THE REQUIREMENTS UNDER PARAGRAPHS A AND B OF THIS SUBDIVI-  
4 SION HAVE BEEN EXHAUSTED.

5 S 2. This act shall take effect immediately.