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

309

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

AN ACT to amend the judiciary law, in relation to enacting the "court of appeals nomination reform act"

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

Section 1. Short title. This act shall be known and may be cited as the "court of appeals nomination reform act".

S 2. Subdivision 2 of section 63 of the judiciary law, as amended by chapter 35 of the laws of 1983, is amended to read as follows:

2. [(a) In recognition of the unique responsibilities of the chief judge of the court of appeals for policies of judicial administration, for a vacancy in the office of chief judge the commission shall recommend to the governor seven persons.

(b) For a vacancy in the office of associate judge, the commission shall recommend to the governor at least three persons and not more than seven persons. Should more than one vacancy exist at the same time in the office of associate judge, the number of persons recommended by the commission to the governor shall be at least three plus one additional person for each vacancy in such office, and not more than seven plus one additional person for each vacancy in such office.

(c) Should vacancies exist in the offices of chief judge and associate judge at the same time, the commission shall recommend for the office of associate judge the number of persons as provided in paragraph (b) of this subdivision, provided, however, that in addition thereto the commission may also recommend for associate judge any of the persons who have been recommended to the governor for the office of chief judge.] FOR A VACANCY IN THE OFFICE OF CHIEF JUDGE OR ASSOCIATE JUDGE, THE COMMISSION SHALL RECOMMEND TO THE GOVERNOR ALL WELL QUALIFIED PERSONS WHO EXEMPLIFY THE CRITERIA SET FORTH IN SUBDIVISION ONE OF THIS SECTION.

S 3. This act shall take effect immediately.

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

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