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

5647

2011-2012 Regular Sessions

I N A S S E M B L Y

February 24, 2011

Introduced by 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 local justice reform commissions; and to repeal article 22 of such act relating to justice court procedure (Part A); to amend the uniform justice court act, the village law, the judiciary law and the town law, in relation to justice court administration (Part B); to amend the uniform justice court act, in relation to qualifications and requirements for town and village justices (Part C); and to amend the uniform justice court act, the general municipal law, the state finance law, the vehicle and traffic law, the agriculture and markets law, the environmental conservation law, the workers' compensation law, the parks, recreation and historic preservation law and the navigation law, in relation to town, village and justice courts; and to repeal certain provisions of the uniform justice court act and the general municipal law relating to jury terms and jurors (Part D)

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 "justice court efficiency and modernization act".

S 2. This act enacts into law major components of legislation relating to the "justice court efficiency and modernization act". Each component of this act is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section five of this act sets forth the general effective date of this act.

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

LBD00383-01-1

S 3. Declaration of legislative findings. The legislature declares that the town and village justice courts are a backbone of the state civil and criminal justice systems and are indispensable to ensuring proximate access to justice across the state. The legislature therefore reaffirms New York state's three-century commitment to local adjudications and a vibrant justice court system. The legislature finds, however, that many town and village justice courts are not structured, funded, equipped or secured to meet modern standards for the safe and cost-effective administration of justice, and that necessary improvements to the justice court system cannot timely or efficiently be achieved given the proliferation and independent administration of individual courts in each of over 1,250 towns and villages statewide. The legislature further finds that this fragmentation increases the cost and decreases the effectiveness of many instrumentalities of state and county government interacting with these courts, including prosecutors, defenders, county probation departments and law enforcement agencies, the office of the state comptroller and numerous executive-branch agencies. To properly balance the public interest in proximate access to justice against the pressing need for systemic reform, it is the intent of the legislature to strengthen the justice court system, create a process for the limited sharing of justice courts and better support the vital roles that local governments help perform in their operation and administration.

PART A

Section 1. Article 22 of the uniform justice court act is REPEALED and a new article 22 is added to read as follows:

ARTICLE 22

SHARING OF JUSTICE COURTS

SECTION 2201. LOCAL JUSTICE REFORM COMMISSIONS.
2202. COMBINATION PLANS.
2203. COMMISSION PROCEDURE.
2204. TRANSITION PROVISIONS.
2205. CONSTRUCTION.

S 2201. LOCAL JUSTICE REFORM COMMISSIONS.

(A) THERE IS HEREBY ESTABLISHED IN EACH COUNTY WITH POPULATIONS LESS THAN ONE MILLION AND HAVING TOWN COURTS ON THE EFFECTIVE DATE OF THIS ARTICLE A LOCAL JUSTICE REFORM COMMISSION TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE JUSTICE COURT SYSTEM IN SUCH COUNTY. IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, EACH COMMISSION SHALL:

1. EXAMINE AND EVALUATE THE FACILITIES, OPERATIONS AND COST-EFFECTIVENESS OF PROPERLY MAINTAINING EACH AND ALL OF THE TOWN AND VILLAGE COURTS IN SUCH COUNTY;

2. DETERMINE, BASED ON THE CRITERIA SPECIFIED IN SUBDIVISION (B) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, WHICH LOCALITIES IN SUCH COUNTY SHOULD SHARE THE SERVICES OF A SINGLE JUSTICE COURT; AND

3. EXAMINE, EVALUATE AND MAKE RECOMMENDATIONS WITH REGARD TO THE PROVISION OF PROSECUTION, PUBLIC DEFENSE, PROBATION, PRISONER DETENTION AND TRANSPORT, AND OTHER COUNTY AND LOCAL SERVICES AFFECTING THE COST-EFFECTIVE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH COUNTY.

(B) EACH COMMISSION SHALL CONSIST OF NINE VOTING MEMBERS AND THREE EX OFFICIO MEMBERS AS FOLLOWS:

1. THE VOTING MEMBERS OF THE COMMISSION SHALL BE:

(I) THE COUNTY EXECUTIVE, PROVIDED THAT IF THERE BE NO ELECTIVE COUNTY EXECUTIVE, THEN THE COUNTY MANAGER OR, IF THERE BE NO COUNTY MANAGER, THEN THE CHIEF FISCAL OFFICER OF THE COUNTY OR OTHERWISE AS THE COUNTY LEGISLATURE MAY PROVIDE;

(II) THE CHAIR OF THE COUNTY LEGISLATURE;

(III) THE MINORITY LEADER OF THE COUNTY LEGISLATURE, PROVIDED THAT IF THERE BE NO MINORITY PARTY MEMBER OF THE COUNTY LEGISLATURE, THEN A SECOND MEMBER OF THE COUNTY LEGISLATURE DESIGNATED THEREBY;

(IV) A TOWN JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES ASSOCIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGISTRATES ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE MAGISTRATES ASSOCIATION;

(V) A VILLAGE JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES ASSOCIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGISTRATES ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE MAGISTRATES ASSOCIATION, AND PROVIDED FURTHER THAT IF THERE BE NO VILLAGE JUSTICE IN THE COUNTY, THEN A SECOND TOWN JUSTICE IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY SUBPARAGRAPH (IV) OF THIS PARAGRAPH;

(VI) A TOWN SUPERVISOR IN THE COUNTY, DESIGNATED BY THE COUNTY MUNICIPAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK STATE ASSOCIATION OF TOWNS;

(VII) A MAYOR OF A VILLAGE FOR WHICH THERE IS ESTABLISHED A JUSTICE COURT ON THE EFFECTIVE DATE OF THIS ARTICLE, DESIGNATED BY THE COUNTY MUNICIPAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW YORK CONFERENCE OF MAYORS AND MUNICIPAL OFFICIALS, AND PROVIDED FURTHER THAT IF THERE BE NO SUCH VILLAGE IN THE COUNTY, THEN A SECOND TOWN SUPERVISOR IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY SUBPARAGRAPH (VI) OF THIS PARAGRAPH; AND

(VIII) TWO ATTORNEYS ADMITTED TO PRACTICE IN THIS STATE RESIDENT OR WITH A PRINCIPAL PLACE OF BUSINESS IN SUCH COUNTY, DESIGNATED BY A BAR ASSOCIATION FOR SUCH COUNTY SELECTED BY THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE COUNTY IS LOCATED, PROVIDED THAT ONE SUCH ATTORNEY SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR IN THE IMMEDIATELY PRECEDING GUBERNATORIAL ELECTION RECEIVED THE HIGHEST NUMBER OF VOTES IN THE STATE, AND ONE SUCH ATTORNEY SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR IN SUCH ELECTION RECEIVED THE SECOND HIGHEST NUMBER OF VOTES IN THE STATE.

2. THE THREE EX OFFICIO MEMBERS OF THE COMMISSION SHALL INCLUDE:

(I) THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE COUNTY IS LOCATED, WHO SHALL COORDINATE EACH COMMISSION ESTABLISHED FOR A COUNTY WITHIN SUCH JUDICIAL DISTRICT AND PROMOTE THE TIMELY AND CONSISTENT APPLICATION OF THIS ARTICLE AMONG SUCH COMMISSIONS;

(II) THE DISTRICT ATTORNEY OF THE COUNTY; AND

(III) THE PUBLIC DEFENDER OF THE COUNTY, PROVIDED THAT IF THERE BE NO PUBLIC DEFENDER IN THE COUNTY, THEN ANOTHER PERSON DESIGNATED BY THE NEW YORK STATE DEFENDERS ASSOCIATION PRIMARILY RESPONSIBLE FOR THE PROVISION OR COORDINATION OF INDIGENT CRIMINAL DEFENSE SERVICES IN SUCH COUNTY PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

(C) APPOINTMENTS SHALL BE MADE NOT LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS AN ORIGINAL APPOINTMENT.

(D) EACH COMMISSION SHALL HAVE THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THE LEGISLATIVE LAW.

(E) FOR EACH COMMISSION, A MAJORITY OF ALL THE VOTING MEMBERS THEREOF SHALL CONSTITUTE A QUORUM AND SHALL BE NECESSARY TO A DECISION.

(F) COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER. SUCH EXPENSES SHALL BE CHARGES AGAINST THE COUNTY SUBJECT TO REIMBURSEMENT BY THE OFFICE OF COURT ADMINISTRATION PURSUANT TO SUCH RULES AS THE CHIEF ADMINISTRATOR OF THE COURTS MAY PROVIDE.

(G) NO COMMISSION MEMBER SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT PURSUANT TO THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, REGULATION, RULE, ORDINANCE OR CHARTER.

(H) TO THE MAXIMUM EXTENT FEASIBLE, EACH COMMISSION MAY REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES, RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, AGENCY OR AUTHORITY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS SUCH COMMISSION REASONABLY MAY REQUEST TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE A COMMISSION TO REQUEST OR A COURT TO RELEASE SEALED RECORDS OR OTHER DATA RENDERED CONFIDENTIAL BY LAW.

(I) UPON COMPLETION OF ITS DUTIES HEREUNDER, EACH COMMISSION SHALL BE DEEMED DISSOLVED.

S 2202. COMBINATION PLANS.

(A) DRAFT AND FINAL PLANS; CONSULTATION. IN ACCORDANCE WITH THIS ARTICLE, EACH COMMISSION SHALL ISSUE A DRAFT COMBINATION PLAN AND FINAL COMBINATION PLAN TO EFFECTUATE THE LIMITED SHARING OF JUSTICE COURTS IN THE COUNTY. IN THE DEVELOPMENT OF SUCH PLANS, THE COMMISSION SHALL CONSULT WITH THE TOWN AND VILLAGE JUSTICES, NON-JUDICIAL STAFF OF THE JUSTICE COURTS, TOWN AND VILLAGE BOARDS, LAW ENFORCEMENT AGENCIES, PROSECUTORS, PUBLIC DEFENSE PROVIDERS AND OTHER PERSONS RELEVANT TO THE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH COUNTY.

(B) REVIEW FACTORS. FOR EACH AND ALL OF THE JUSTICE COURTS IN SUCH COUNTY, THE COMMISSION SHALL CONSIDER CASELOADS AND DOCKET TRENDS, COURT FACILITIES AND SECURITY, CASE-GENERATING FEATURES, AVAILABILITY OF DETENTION FACILITIES, DISTRIBUTION OF PROSECUTION AND DEFENSE SERVICES, DISTRIBUTION OF LAW ENFORCEMENT PERSONNEL, AND SUCH OTHER CRITERIA RELEVANT TO THE COST-EFFECTIVE OPERATION OF THE JUSTICE COURTS AND ADMINISTRATION OF JUSTICE IN SUCH COUNTY AS THE COMMISSION MAY DETERMINE.

(C) STANDARDS FOR COMBINATION PLANS. EACH COMBINATION PLAN SHALL PROVIDE FOR THE LIMITED SHARING OF JUSTICE COURTS IN THE COUNTY. UNDER EACH COMBINATION PLAN:

1. EACH MUNICIPALITY FOR WHICH A JUSTICE COURT IS ESTABLISHED ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE SERVED BY A JUSTICE COURT IN SUCH COUNTY, WHETHER PRESIDING SOLELY FOR SUCH MUNICIPALITY OR PRESIDING FOR MULTIPLE MUNICIPALITIES;

2. WHERE SUCH PLAN PROVIDES THAT A JUSTICE COURT LOCATED IN ONE MUNICIPALITY WILL PRESIDE FOR ONE OR MORE OTHER MUNICIPALITIES, EACH SUCH OTHER MUNICIPALITY SHALL BE PROXIMATE TO THE MUNICIPALITY IN WHICH SUCH JUSTICE COURT IS TO BE LOCATED, AND ALL OF THE MUNICIPALITIES FOR WHICH SUCH COURT WILL PRESIDE SHALL FORM A CONTIGUOUS GEOGRAPHIC UNIT; AND

3. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (E) OF THIS SECTION, THE TOTAL NUMBER OF JUSTICE COURTS IN SUCH COUNTY SHALL FALL WITHIN THE

FOLLOWING RANGES OF PERCENTAGES OF THE NUMBER OF JUSTICE COURTS ESTABLISHED IN SUCH COUNTY ON THE EFFECTIVE DATE OF THIS ARTICLE:

(I) IN EACH COUNTY WITH POPULATION GREATER THAN TWO HUNDRED FIFTY THOUSAND AND LESS THAN ONE MILLION, AND IN EACH OF THE COUNTIES OF PUTNAM AND SCHENECTADY, NO MORE THAN NINETY PERCENT AND NO LESS THAN SEVENTY PERCENT OF SUCH NUMBER;

(II) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION GREATER THAN ONE HUNDRED FIFTY THOUSAND AND EQUAL TO OR LESS THAN TWO HUNDRED FIFTY THOUSAND, NO MORE THAN EIGHTY PERCENT AND NO LESS THAN SIXTY PERCENT OF SUCH NUMBER; AND

(III) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION EQUAL TO OR LESS THAN ONE HUNDRED FIFTY THOUSAND, NO MORE THAN SEVENTY PERCENT AND NO LESS THAN FIFTY PERCENT OF SUCH NUMBER.

THE CHIEF ADMINISTRATOR SHALL PROMULGATE A SCHEDULE SETTING FORTH THE MINIMUM AND MAXIMUM NUMBER OF JUSTICE COURTS SPECIFIED IN THIS PARAGRAPH FOR EACH COUNTY ACCORDING TO THE POPULATION THEREOF AS MEASURED IN THE MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION. IN PROMULGATING SUCH SCHEDULE, THE CHIEF ADMINISTRATOR SHALL ROUND DOWN TO THE NEAREST WHOLE NUMBER OF COURTS ANY FRACTIONAL NUMBER OF COURTS ARISING FROM THE FOREGOING FORMULA.

(D) ADDITIONAL CONTENT OF COMBINATION PLANS. EACH COMBINATION PLAN ALSO SHALL SPECIFY:

1. THE COURT FACILITY IN WHICH EACH SHARED JUSTICE COURT WILL CONVENE;

2. THE MANNER IN WHICH JUSTICES WILL SHARE RESPONSIBILITIES FOR ARRAIGNMENTS, WARRANT APPLICATIONS, EMERGENCY PROCEEDINGS AND OTHER OFF-HOUR RESPONSIBILITIES;

3. THE MANNER IN WHICH JUSTICE COURTS AND LOCAL LAW ENFORCEMENT AGENCIES WILL PROVIDE FOR THE PRE-ARRAIGNMENT DETENTION OF CRIMINAL DEFENDANTS; AND

4. SUCH OTHER MATTERS AS THE CHIEF ADMINISTRATOR MAY BY RULE DIRECT TO ENSURE THAT THE IMPLEMENTATION OF COMBINATION PLANS WILL PROMOTE THE ADMINISTRATION OF JUSTICE.

(E) EXEMPTION DETERMINATIONS. NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS SECTION, AS PART OF OR IN LIEU OF A COMBINATION PLAN, A COMMISSION MAY DETERMINE THAT THERE SHOULD BE LESSER SHARING OF JUSTICE COURTS THAN SPECIFIED FOR SUCH COUNTY IN SUBDIVISION (C) OF THIS SECTION, OR NO SUCH SHARING, IF THE COMMISSION FINDS THAT SUCH DETERMINATION WOULD NOT:

(I) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE FACILITIES, SECURITY AND OPERATION OF ALL JUSTICE COURTS IN SUCH COUNTY ARE SAFE, SUITABLE AND SUFFICIENT FOR THE TRANSACTION OF COURT BUSINESS THEREIN;

(II) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE AVAILABILITY OF RESOURCES FOR PROSECUTION, PUBLIC DEFENSE, DETAINEE TRANSPORT AND OTHER SERVICES IN AND FOR ALL JUSTICE COURTS IN SUCH COUNTY ARE SUFFICIENT TO PROMOTE THE ADMINISTRATION OF JUSTICE IN SUCH COUNTY; OR

(III) CAUSE OR CONTINUE UNNECESSARY OR INEFFICIENT DUPLICATION OF SERVICES.

S 2203. COMMISSION PROCEDURE.

(A) DRAFT COMBINATION PLANS. NOT LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, EACH COMMISSION SHALL SUBMIT TO THE CHIEF ADMINISTRATOR OF THE COURTS, COUNTY EXECUTIVE OR COUNTY MANAGER AND COUNTY LEGISLATURE A DRAFT COMBINATION PLAN COMPLYING WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE. SUCH SUBMISSION SHALL INCLUDE THE LOCATION AND TIME OF EACH PUBLIC HEARING TO BE HELD THEREON PURSUANT TO SUBDIVISION (B) OF THIS SECTION. IN ADVANCE OF SUCH HEARING OR HEARINGS,

THE COMMISSION SHALL PUBLICIZE SUCH DRAFT PLAN TO POTENTIALLY INTERESTED MEMBERS OF THE PUBLIC TO THE EXTENT REASONABLY PRACTICABLE.

(B) PUBLIC HEARINGS. NOT SOONER THAN THIRTY DAYS AND NOT LATER THAN SIXTY DAYS AFTER THE SUBMISSION OF SUCH DRAFT COMBINATION PLAN, THE COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS WITHIN THE COUNTY AND ENSURE THAT INTERESTED MEMBERS OF THE PUBLIC HAVE A REASONABLE OPPORTUNITY TO BE HEARD THEREON.

(C) FINAL PLANS. NOT LATER THAN SIXTY DAYS AFTER THE LAST OF SUCH PUBLIC HEARINGS, THE COMMISSION SHALL SUBMIT TO THE CHIEF ADMINISTRATOR, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A FINAL COMBINATION PLAN COMPLYING WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE.

(D) TECHNICAL REVIEW. NOT LATER THAN SIXTY DAYS AFTER SUBMISSION OF SUCH FINAL COMBINATION PLAN, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A CERTIFICATE DETERMINING EITHER THAT SUCH PLAN COMPLIES WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, OR THAT SUCH PLAN FAILS TO COMPLY AND SETTING FORTH THE TECHNICAL DEFECTS THEREOF. IF THE CHIEF ADMINISTRATOR SHALL TRANSMIT A NONCOMPLIANCE CERTIFICATE, THEN NOT LATER THAN THIRTY DAYS THEREAFTER, THE COMMISSION SHALL AMEND SUCH NONCOMPLYING PLAN TO CORRECT SUCH DEFECTS AND OTHERWISE COMPLY WITH SUCH SECTION AND SHALL SUBMIT SUCH AMENDED PLAN TO THE CHIEF ADMINISTRATOR. NOT LATER THAN THIRTY DAY THEREAFTER, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A CERTIFICATE DETERMINING EITHER THAT SUCH AMENDED PLAN COMPLIES WITH SUCH SECTION, OR THAT SUCH AMENDED PLAN AGAIN FAILS TO COMPLY AND SETTING FORTH THE DEFECTS THEREOF, IN WHICH LATTER INSTANCE THE DEFAULT PROVISIONS OF SUBDIVISION (F) OF THIS SECTION SHALL GOVERN.

(E) ENACTMENT AND SUBSTITUTION OF COMBINATION PLANS. FOR A COMBINATION PLAN FOR WHICH THE CHIEF ADMINISTRATOR TRANSMITS TO THE COUNTY LEGISLATURE A COMPLIANCE CERTIFICATE PURSUANT TO SUBDIVISION (D) OF THIS SECTION:

1. IF THE COMMISSION HAS NOT MADE AN EXEMPTION DETERMINATION PURSUANT TO SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, THEN SUCH COMBINATION PLAN AUTOMATICALLY SHALL HAVE FORCE OF LAW SIXTY DAYS AFTER SUCH TRANSMITTAL UNLESS SUCH COUNTY LEGISLATURE, BY TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTIFY THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS OF SUCH SECTION.

2. IF THE COMMISSION HAS MADE AN EXEMPTION DETERMINATION PURSUANT TO SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, THEN SUCH COMBINATION PLAN, OR THE DETERMINATION THAT THERE SHOULD BE NO SHARING OF JUSTICE COURTS IN SUCH COUNTY HEREUNDER, SHALL HAVE FORCE OF LAW SIXTY DAYS AFTER SUCH TRANSMITTAL ONLY IF THE COUNTY LEGISLATURE, BY TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL RATIFY THE SAME BY LOCAL LAW. IN THE ALTERNATIVE, SUCH COUNTY LEGISLATURE MAY SOONER ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTIFY THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS OF SUCH SECTION. IF THE COUNTY LEGISLATURE SHALL NEITHER RATIFY SUCH EXEMPTION DETERMINATION NOR ENACT A SUBSTITUTE COMBINATION PLAN PURSUANT TO THIS PARAGRAPH, THEN THE DEFAULT PROVISIONS OF SUBDIVISION (F) OF THIS SECTION SHALL GOVERN.

(F) DEFAULT PROCEDURE. IF A COMMISSION SHALL FAIL TO SUBMIT A FINAL COMBINATION PLAN OR AMEND A NONCOMPLYING PLAN CERTIFIED TO COMPLY WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE BY THE DATE SPECIFIED THEREFOR IN SUBDIVISION (D) OF THIS SECTION, OR IF THE COUNTY LEGISLATURE SHALL FAIL TO RATIFY A COMBINATION PLAN OR ENACT A SUBSTITUTE PLAN BY THE DATE SPECIFIED THEREFOR IN PARAGRAPH TWO OF SUBDIVISION (E) OF THIS SECTION, THEN NOT LATER THAN THIRTY DAYS AFTER SUCH DATE, THE CHIEF ADMINISTRATOR SHALL PROMULGATE A FINAL COMBINATION PLAN FOR THE JUSTICE COURTS OF SUCH COUNTY CONSISTENT WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE AND SHALL TRANSMIT THE SAME TO THE COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE. SUCH FINAL COMBINATION PLAN AUTOMATICALLY SHALL HAVE FORCE OF LAW SIXTY DAYS THEREAFTER UNLESS SUCH COUNTY LEGISLATURE, BY TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTER FIRST SHALL CERTIFY THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS OF SUCH SECTION.

(G) EFFECTIVE DATE OF COMBINATION PLANS. THE COMBINATION PLAN FOR THE JUSTICE COURTS IN EACH COUNTY SHALL TAKE EFFECT ON THE FIRST DAY OF JANUARY IN THE SECOND YEAR NEXT SUCCEEDING THE DATE ON WHICH SUCH PLAN SHALL HAVE FORCE OF LAW PURSUANT TO SUBDIVISION (E) OR (F) OF THIS SECTION.

S 2204. TRANSITION PROVISIONS.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON AND AFTER THE EFFECTIVE DATE OF A COMBINATION PLAN PURSUANT TO SUBDIVISION (G) OF SECTION TWENTY-TWO HUNDRED THREE OF THIS ARTICLE:

(A) EACH JUSTICE COURT DESIGNATED IN SUCH PLAN TO ASSUME THE JURISDICTION OF ONE OR MORE TOWN OR VILLAGE COURTS SHALL, ON SUCH DATE, BE DEEMED TO HAVE THE JURISDICTION OF EACH OF SUCH OTHER COURTS.

(B) EACH OFFICE OF TOWN JUSTICE AND VILLAGE JUSTICE SHALL, ON SUCH DATE, ALSO BECOME AN OFFICE OF JUSTICE OF THE JUSTICE COURT DESIGNATED IN SUCH PLAN TO PRESIDE FOR SUCH TOWN OR VILLAGE, CONTINUING IN SUCH TERM OF OFFICE AS THERETOFORE PROVIDED BY LAW, AND SHALL HAVE JURISDICTION FOR EACH MUNICIPALITY FOR WHICH SUCH JUSTICE COURT EXERCISES JURISDICTION TO THE SAME EXTENT AND EFFECT AS IF SUCH JUSTICE WERE SELECTED IN AND FOR EACH SUCH MUNICIPALITY.

(C) EACH ACTION AND PROCEEDING PENDING IN A TOWN OR VILLAGE COURT WHOSE JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL, ON SUCH DATE, BE DEEMED PENDING IN SUCH OTHER JUSTICE COURT, AND THE RULES OF PROCEDURE GOVERNING EACH SUCH ACTION OR PROCEEDING BEFORE SUCH DATE SHALL CONTINUE TO APPLY ON AND AFTER SUCH DATE.

(D) THE NON-JUDICIAL PERSONNEL OF EACH TOWN OR VILLAGE COURT WHOSE JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL, ON SUCH DATE, BE DEEMED TO BE THE NON-JUDICIAL PERSONNEL OF SUCH OTHER JUSTICE COURT; PROVIDED THAT IF SUCH PERSONNEL PERFORM FUNCTIONS BOTH FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL OFFICES ON THE DAY IMMEDIATELY PRECEDING SUCH DATE AND THEREAFTER CONTINUE TO PERFORM FUNCTIONS BOTH FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL OFFICES, THEN SUCH PERSONNEL SHALL BE DEEMED TO BE THE PERSONNEL OF SUCH OTHER JUSTICE COURT ONLY FOR SUCH PORTION OF THEIR EMPLOYMENT AS RELATES TO JUDICIAL BUSINESS.

(E) THE PAPERS AND EFFECTS OF EACH TOWN OR VILLAGE COURT WHOSE JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL, ON SUCH DATE, BE DEEMED TO BE THE PAPERS AND EFFECTS OF SUCH OTHER JUSTICE COURT AND PROMPTLY SHALL BE TRANSFERRED TO THE POSSESSION OF SUCH OTHER

JUSTICE COURT OR OTHERWISE AS MAY BE PROVIDED BY THE CHIEF ADMINISTRATOR OF THE COURTS, AND THE SEAL OF SUCH OTHER JUSTICE COURT SHALL BE AMENDED ACCORDINGLY.

S 2205. CONSTRUCTION.

NOTHING IN THIS ARTICLE AND NO COMBINATION PLAN HEREUNDER SHALL BE CONSTRUED TO:

(A) DISCONTINUE A TOWN COURT WITHIN THE MEANING OF SUBDIVISION B OF SECTION SEVENTEEN OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

(B) ESTABLISH A DISTRICT COURT WITHIN THE MEANING OF SECTION SIXTEEN OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

(C) ESTABLISH OR ABOLISH ANY JUDICIAL OFFICE, ALTER THE TERM OF OFFICE OF ANY JUSTICE OR ALTER THE MANNER OF SELECTION FOR ANY JUDICIAL OFFICE; OR

(D) IMPAIR THE RIGHTS OF ANY NON-JUDICIAL EMPLOYEE SERVING ANY TOWN OR VILLAGE COURT ON ACCOUNT OF ANOTHER JUSTICE COURT ASSUMING THE JURISDICTION THEREOF.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the chief administrator of the courts is authorized to immediately promulgate rules and regulations to effectuate the provisions of this act.

PART B

Section 1. The uniform justice court act is amended by adding a new article 22-A to read as follows:

ARTICLE 22-A

JUSTICE COURT ADMINISTRATION

SECTION 2206. FUNDING AND COST APPORTIONMENT.
2207. BUDGETING SYSTEM.
2208. FINANCIAL MANAGEMENT.
2209. ADJUSTMENTS TO JUDICIAL OFFICES.
2210. NON-JUDICIAL STAFF.

S 2206. FUNDING AND COST APPORTIONMENT.

IN ACCORDANCE WITH THIS ARTICLE AND SUBJECT TO STATE SUPPORT OR REIMBURSEMENT PURSUANT TO LAW, THE GOVERNING BOARD OF EACH MUNICIPALITY FOR WHICH A JUSTICE COURT IS ESTABLISHED SHALL ENACT AND FUND AN ANNUAL BUDGET FOR SUCH COURT AND APPROPRIATE TO OR EXPEND ON BEHALF OF SUCH COURT SUCH MONEYS AS REASONABLY SUFFICIENT FOR THE COURT TO ADEQUATELY PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW. THE COSTS OF OPERATING A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, EXCEPT AS THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY MAY PROVIDE BY JOINT RESOLUTION, SHALL BE CHARGES AGAINST EACH SUCH MUNICIPALITY IN PROPORTION TO THE RESPECTIVE POPULATIONS THEREOF AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION, WHICH PROPORTIONS THE STATE COMPTROLLER SHALL CALCULATE AND AS NEEDED REVISE. THIS ARTICLE SHALL NOT BE CONSTRUED TO IMPOSE ANY OBLIGATION ON OR OTHERWISE APPLY TO ANY TOWN OR VILLAGE FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE EFFECTIVE DATE OF THIS ARTICLE.

S 2207. BUDGETING SYSTEM.

(A) THE BUDGETING SYSTEM OF EVERY TOWN PURSUANT TO ARTICLE EIGHT OF THE TOWN LAW AND EVERY VILLAGE PURSUANT TO ARTICLE FIVE OF THE VILLAGE LAW SHALL INCLUDE THE BUDGET FOR THE JUSTICE COURT HAVING JURISDICTION FOR SUCH TOWN OR VILLAGE.

(B) THE FISCAL YEAR FOR EACH JUSTICE COURT SHALL BE THE FISCAL YEAR SPECIFIED IN ARTICLE EIGHT OF THE TOWN LAW, EXCEPT THAT THE FISCAL YEAR

FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY SHALL BE THE FISCAL YEAR SPECIFIED IN ARTICLE FIVE OF THE VILLAGE LAW.

(C) EACH JUSTICE COURT, BY THE JUSTICES THEREOF OR THE COURT CLERK ON BEHALF OF SUCH JUSTICES, SHALL PREPARE ITS PRELIMINARY BUDGET FOR THE NEXT FISCAL YEAR IN CONSULTATION WITH THE SUPERVISOR OF THE TOWN OR MAYOR OF THE VILLAGE FOR WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, IN CONSULTATION WITH THE SUPERVISOR OR MAYOR OF EACH SUCH MUNICIPALITY. IN THE PREPARATION OF SUCH PRELIMINARY BUDGET, THE JUSTICE COURT SHALL BE ENTITLED TO RECEIVE SUCH TIMELY ASSISTANCE FROM APPROPRIATE MUNICIPAL OFFICERS AS THE COURT REASONABLY MAY REQUEST. EACH JUSTICE COURT SHALL SUBMIT SUCH PRELIMINARY BUDGET TO THE GOVERNING BOARD OF THE TOWN OR VILLAGE FOR WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, TO THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY, BY THE DATE SPECIFIED IN SECTION ONE HUNDRED FOUR OF THE TOWN LAW OR BY THE DATE SPECIFIED IN SUBDIVISION TWO OF SECTION 5-502 OF THE VILLAGE LAW FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY. SUCH PRELIMINARY BUDGET SHALL BE REASONABLY SUFFICIENT FOR THE COURT ADEQUATELY TO PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.

(D) THE GOVERNING BOARD OF EACH TOWN OR VILLAGE SHALL ENACT BY LOCAL LAW A BUDGET FOR SUCH JUSTICE COURT FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF BY THE DATE ON WHICH THE BUDGET FOR SUCH TOWN OR VILLAGE IS REQUIRED TO BE ENACTED. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY SHALL ENACT BY JOINT RESOLUTION A BUDGET FOR SUCH COURT FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF BY THE DATE SPECIFIED IN SECTION ONE HUNDRED NINE OF THE TOWN LAW FOR THE COUNTY IN WHICH THE COURT IS LOCATED, OR BY THE DATE SPECIFIED IN SUBDIVISION FOUR OF SECTION 5-508 OF THE VILLAGE LAW FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY. SUCH BUDGET SHALL BE REASONABLY SUFFICIENT FOR THE COURT ADEQUATELY TO PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.

(E) IF THE GOVERNING BOARD OR BOARDS SHALL FAIL TO ENACT A JUSTICE COURT BUDGET IN THE MANNER AND BY THE DATE SPECIFIED IN SUBDIVISION (D) OF THIS SECTION, THEN ON SUCH DATE THE PRELIMINARY BUDGET FOR SUCH COURT FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF, WITH SUCH AMENDMENTS AS THERETOFORE SHALL HAVE BEEN MADE BY THE GOVERNING BOARD BY LOCAL LAW OR BY THE GOVERNING BOARDS BY JOINT RESOLUTION, SHALL BE DEEMED TO CONSTITUTE THE BUDGET FOR SUCH COURT FOR SUCH FISCAL YEAR TO THE SAME EXTENT AND EFFECT AS IF SUCH PRELIMINARY BUDGET WERE DULY ENACTED, AND THEREAFTER SUCH BUDGET MAY BE AMENDED BY LOCAL LAW FOR A JUSTICE COURT FOR A SINGLE MUNICIPALITY OR BY JOINT RESOLUTION FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES.

(F) EACH TOWN AND VILLAGE AS PART OF ITS BUDGET, AND EACH VILLAGE SHARING A JUSTICE COURT WITH ONE OR MORE TOWNS PURSUANT TO ARTICLE TWENTY-TWO OF THIS CHAPTER AS PART OF A SUPPLEMENTAL BUDGET OR OTHERWISE, SHALL ON OR BEFORE THE DATE SPECIFIED IN SUBDIVISION (D) OF THIS SECTION APPROPRIATE TO OR ON BEHALF OF SUCH COURT SUCH APPORTIONMENT OF FUNDS AS REQUIRED BY SUBDIVISION (A) OF THIS SECTION FOR THE SUPPORT OF THE COURT BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF. IF A JUSTICE COURT BUDGET BE AMENDED PURSUANT TO SUBDIVISION (E) OF THIS SECTION, THEN EACH SUCH MUNICIPALITY SHALL APPROPRIATE FORTHWITH TO OR ON BEHALF OF THE

COURT SUCH APPORTIONMENT OF ADDITIONAL FUNDS REQUIRED HEREUNDER FOR THE SUPPORT OF SUCH AMENDED BUDGET.

S 2208. FINANCIAL MANAGEMENT.

(A) EACH JUSTICE COURT SHALL COMPLY WITH SUCH RULES AND REGULATIONS GOVERNING FINANCIAL RECORDS, RECEIPT OF FUNDS, COURT REMITTANCES TO THE JUSTICE COURT FUND, TRANSFERS OF FUNDS AMONG THE COURT AND EACH MUNICIPALITY FOR WHICH SUCH COURT EXERCISES JURISDICTION, AND SUCH OTHER FISCAL CONTROL MATTERS AS THE STATE COMPTROLLER REASONABLY MAY DIRECT PURSUANT TO SECTION NINETY-NINE-A OF THE STATE FINANCE LAW.

(B) EXCEPT AS THE STATE COMPTROLLER OTHERWISE MAY PROVIDE BY RULE, IN EACH JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, EACH JUSTICE SHALL CAUSE TO BE KEPT A SEPARATE SET OF RECORDS AND DOCKETS FOR EACH SUCH MUNICIPALITY FOR WHICH HE OR SHE EXERCISES JURISDICTION AND A SEPARATE BANK ACCOUNT FOR EACH SUCH MUNICIPALITY FOR THE DEPOSIT OF MONEYS RECEIVED IN THE EXERCISE OF SUCH JURISDICTION.

(C) THE STATE COMPTROLLER SHALL ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

S 2209. ADJUSTMENTS TO JUDICIAL OFFICES.

(A) NOTWITHSTANDING ANY PROVISION OF LAW:

1. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE GOVERNING BOARD THEREOF MAY BY LOCAL LAW ADJUST THE NUMBER OF JUSTICES OF SUCH COURT; PROVIDED THAT EACH SUCH MUNICIPALITY SHALL HAVE AT LEAST ONE JUSTICE AND A MUNICIPALITY HAVING ONLY ONE JUSTICE ALSO SHALL APPOINT AN ACTING JUSTICE.

2. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, SUCH MUNICIPALITIES MAY, BY JOINT RESOLUTION ENACTED BY THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY, ADJUST THE NUMBER OF JUSTICES OF SUCH COURT AND/OR THE APPORTIONMENT OF JUSTICES SELECTED BY AND AMONG SUCH MUNICIPALITIES; PROVIDED THAT: (I) EACH SUCH TOWN SHALL SELECT AT LEAST ONE JUSTICE; (II) THE TOTAL NUMBER OF JUSTICES ESTABLISHED HEREUNDER FOR SUCH COURT SHALL BE NO LESS THAN THE SUM OF THE NUMBER OF SUCH MUNICIPALITIES AND NO MORE THAN TWICE SUCH SUM; (III) EACH SUCH MUNICIPALITY HAVING LESS THAN TWO JUSTICES SHALL APPOINT AN ACTING JUSTICE; AND (IV) NO VILLAGE FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL SELECT A JUSTICE OR BE REQUIRED TO ENACT A JOINT RESOLUTION HEREUNDER.

(B) ADJUSTMENT PROCEDURE. 1. EVERY LOCAL LAW OR JOINT RESOLUTION PURSUANT TO THIS SECTION SHALL STATE THE FINDING OF THE GOVERNING BOARD OR BOARDS THAT SUCH ADJUSTMENT WOULD PROMOTE THE TIMELY AND EFFECTIVE DISPOSITION OF MATTERS COMING BEFORE THE COURT.

2. EVERY SUCH PROPOSED LOCAL LAW OR JOINT RESOLUTION SHALL BE SUBMITTED TO THE CHIEF ADMINISTRATOR OF THE COURTS NOT LESS THAN NINETY DAYS BEFORE THE GOVERNING BOARD OR BOARDS SHALL FINALLY ACT THEREON. NO SUCH LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED DURING SUCH NINETY DAYS NOR IF THE CHIEF ADMINISTER SHALL, DURING SUCH PERIOD, TRANSMIT TO THE GOVERNING BOARD OR BOARDS A CERTIFICATE DETERMINING THAT THE ENACTMENT OF SUCH LOCAL LAW OR JOINT RESOLUTION WOULD DISRUPT THE TIMELY DISPOSITION OF MATTERS COMING BEFORE SUCH COURT OR OTHERWISE IMPAIR THE ADMINISTRATION OF JUSTICE. THE GOVERNING BOARD OR BOARDS SHALL SUBMIT TO THE CHIEF ADMINISTRATOR SUCH DATA AS HE OR SHE MAY REQUEST TO EFFECTUATE SUCH DETERMINATION.

3. NO SUCH LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED LESS THAN THIRTY DAYS BEFORE THE FIRST DAY FIXED BY THE ELECTION LAW FOR THE NEXT COMMENCEMENT OF CIRCULATION OF NOMINATING PETITIONS FOR SUCH OFFICE.

(C) THE OFFICE OF ANY JUDGESHIP CREATED PURSUANT TO THIS SECTION SHALL FIRST BE FILLED OF A TERM OF FOUR YEARS AT THE NEXT SUCCEEDING ELECTION OF THE TOWN OR VILLAGE THAT SUCH LOCAL LAW OR JOINT RESOLUTION SPECIFIES TO SELECT SUCH NEW JUSTICE. WHERE A JUDGESHIP IS ABOLISHED PURSUANT TO THIS SECTION, THE ABOLISHMENT SHALL TAKE EFFECT ON THE COMPLETION OF THE TERM OF THE JUSTICE THEN SERVING IN SUCH OFFICE OR UPON THE SOONER HAPPENING OF A VACANCY THEREIN.

S 2210. NON-JUDICIAL STAFF.

NOTWITHSTANDING ANY PROVISION OF LAW, EACH JUSTICE COURT SHALL HAVE AT LEAST ONE CLERK AND SUCH OTHER PERSONNEL AS THE BUDGET FOR SUCH COURT SHALL PROVIDE, WHO SHALL BE EMPLOYEES OF THE COURT.

S 2. Paragraph a of subdivision 2 of section 3-301 of the village law, as amended by chapter 555 of the laws of 2006, is amended to read as follows:

a. except as provided in section 3-303 of this article, no more than two village justices, but in the event a village has one justice, it shall also have an acting justice who shall serve when requested by the village justice or in the absence or inability of the village justice to serve. The office of village justice is continued in every village in which it is now established[. The board of trustees of any other village may establish such office by resolution or local law, subject to a permissive referendum. The board of trustees of any village by resolution or local law, subject to permissive referendum, may abolish such office, but to take effect only upon the expiration of the then current term of such office, or establish the office of additional village justices, which justice once elected shall have all the powers and duties of a village justice. The resolution or local law in the latter case shall provide for a term pursuant to section 3-302 of this article. The clerk of the court of a village shall be discharged from employment only upon the advice and consent of the village justice or justices when the clerk, in his or her village duties, works solely for the village justice or justices], EXCEPT AS OTHERWISE PROVIDED BY SECTION TWENTY-TWO HUNDRED NINE OF THE UNIFORM JUSTICE COURT ACT.

S 3. Subdivisions 1 and 4 of section 849-i of the judiciary law, subdivision 1 as added by chapter 280 of the laws of 1999 and subdivision 4 as amended by chapter 127 of the laws of 2007, are amended to read as follows:

1. Each town and village [having] RESPONSIBLE FOR FUNDING a justice court IN WHOLE OR IN PART may make an individual application for funds available pursuant to this article, or two or more such towns or villages, or towns and villages, may make a joint application for such funds, FOR THE SUPPORT OF SUCH COURT. All applications shall be submitted to the chief administrator of the courts for his or her approval.

4. Notwithstanding any other provision of law, the chief administrator shall not approve any application for funding in excess of THE GREATER AMOUNT OF (A) thirty thousand dollars [unless such application is] OR, IN THE CASE OF a joint application, THE PRODUCT OF THIRTY THOUSAND DOLLARS and the [aggregate funding sought thereunder does not exceed an amount equaling the product of the] number of joint applicants [making such application and thirty thousand dollars], AND (B) THIRTY PERCENT OF THE TOTAL AMOUNT BUDGETED FOR THE SUPPORT OF SUCH COURT AND CHARGED TO SUCH MUNICIPALITY OR MUNICIPALITIES FOR THE FISCAL YEAR IN WHICH SUCH FUNDS WOULD BE PAID, NOR APPROVE ANY SUCH APPLICATION FOR THE SUPPORT OF A COURT NOT IN COMPLIANCE WITH RULES AND REGULATIONS GOVERNING THE ADMINISTRATION AND OPERATION THEREOF AS THE CHIEF ADMINISTRATOR MAY PROVIDE UNLESS THE PROVISION OF SUCH FUNDS IS PURSUANT TO A REMEDIAL

COMPLIANCE PLAN JOINTLY APPROVED BY THE CHIEF ADMINISTRATOR, THE JUSTICES OF SUCH COURT AND THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPALITY RESPONSIBLE FOR FUNDING SUCH COURT PURSUANT TO ARTICLE TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

S 4. Subdivision 3 of section 31 of the town law, as separately amended by chapters 250 and 861 of the laws of 1975 and as renumbered by chapter 123 of the laws of 1981, is amended to read as follows:

3. Notwithstanding any other law, actual and necessary expenses incurred by a justice or justice elect in attending a course of training required [of him] before he OR SHE can assume the functions of [his] office shall be a charge against the town FOR WHICH HE OR SHE IS SELECTED.

S 5. Section 69 of the town law, as added by chapter 544 of the laws of 1954, is amended to read as follows:

S 69. Duties of town board with respect to justice courts. Each [town board shall provide for each] justice [of the peace] PRESIDING IN A JUSTICE COURT FOR A TOWN SHALL BE ENTITLED TO HAVE FURNISHED FOR HIS OR HER USE such statutes, manuals, books, forms and supplies as may be necessary for the proper administration of his OR HER office. The expenses incurred in complying with the foregoing provisions shall be a town charge within the meaning of this chapter EXCEPT AS OTHERWISE PROVIDED BY ARTICLE TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

S 6. Subdivision 11 of section 116 of the town law, as added by chapter 357 of the laws of 1936, is amended to read as follows:

11. The fees and charges of a [police] justice or other officer authorized by law to be paid for services rendered and expenses incurred on account of offenses committed in a village and [triable] TRIED before [the police] A justice[,] COURT FOR SUCH VILLAGE BUT NOT FOR SUCH TOWN shall not be a town charge or be audited or paid by the town board of the town.

S 7. Subdivision 2 of section 4-410 of the village law, as amended by chapter 976 of the laws of 1973, is amended to read as follows:

2. [All the] EXCEPT AS OTHERWISE PROVIDED BY ARTICLE TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT, ALL expenses of maintaining the village court[, including the fees of the village justice if he is not paid a salary,] shall be a village charge. [The fees allowable to villages for the services of magistrates and the fees allowable to other officers for services in criminal proceedings, for or on account of an offense which a court of special sessions has not jurisdiction to try, shall be a county charge, if the magistrate had jurisdiction of the proceedings in which the services were rendered.] A county shall pay any amount due to a village for the services of a village justice which are a county charge upon presentation to it of a claim by the state comptroller for such charges each quarter. If any fine legally payable to the state[,] shall have been erroneously paid to the village treasurer, the board of trustees may, and is hereby authorized to, appropriate in its next annual budget such sum as may be necessary to reimburse the state for such fine so paid.

S 8. Subdivision 7 of section 5-524 of the village law, as amended by chapter 222 of the laws of 1982, is amended to read as follows:

7. The actual and necessary expenses of all officers, employees, and, when authorized by the board of trustees, the actual and necessary expenses of the volunteer chief and assistant volunteer chiefs of the village fire department incurred in the performance of their official duties shall be a village charge. For the purposes of this subdivision "actual and necessary expenses", as it applies to a volunteer chief or

assistant volunteer chief of the village fire department, means only such expenses incurred in the performance of their extra official duties as volunteer chief or assistant volunteer chief. The board of trustees of any village, in lieu of auditing and allowing the claim of a village officer, employee, or volunteer chief and assistant volunteer chiefs of the village fire department for actual and necessary expenses for travel, may determine by resolution to allow and pay such officer, employee, or volunteer chief and assistant volunteer chiefs of the village fire department a reasonable mileage allowance for use of his OR HER own automobile for each mile actually and necessarily traveled by him OR HER in the performance of the duties of his OR HER office or position, or in attending a convention, conference or school pursuant to section seventy-seven-b of the general municipal law. The actual and necessary expenses incurred by a [police] VILLAGE justice OR JUSTICE ELECT who does not also hold the office of town justice OR JUSTICE ELECT in attending [a training school for justices provided by the education department or given within his county by the county magistrate's association] A COURSE OF TRAINING REQUIRED BEFORE HE OR SHE CAN ASSUME THE FUNCTIONS OF OFFICE shall be a charge against the village [of] which he OR SHE is [police justice. No such person, however, shall be allowed such expenses for attending a regional school unless his village shall be included within the area of such region as established by the education department] SELECTED.

S 9. This act shall take effect immediately.

PART C

Section 1. The uniform justice court act is amended by adding two new sections 105-a and 105-b to read as follows:

S 105-A. AGE AND EDUCATIONAL QUALIFICATIONS FOR TOWN AND VILLAGE JUSTICES.

IN ADDITION TO OTHER QUALIFICATIONS FOR TOWN OR VILLAGE JUDICIAL OFFICE ESTABLISHED BY LAW, NO PERSON OTHER THAN ONE SERVING AS A TOWN OR VILLAGE JUSTICE ON THE EFFECTIVE DATE OF THIS SECTION SHALL BE ELIGIBLE FOR SELECTION AS A TOWN OR VILLAGE JUSTICE UNLESS HE OR SHE SHALL HAVE ACHIEVED THE AGE OF TWENTY-FIVE YEARS, GRADUATED FROM AN ACCREDITED HIGH SCHOOL OR EARNED A GENERAL EQUIVALENCY DEGREE DIPLOMA, AND EARNED AN ASSOCIATE OR BACCALAUREATE DEGREE FROM AN ACCREDITED INSTITUTION OF HIGHER EDUCATION.

S 105-B. RESIDENCY REQUIREMENT FOR TOWN AND VILLAGE JUSTICES.

NOTWITHSTANDING ANY PROVISION OF LAW, A PERSON SHALL BE ELIGIBLE TO SERVE AS A JUSTICE FOR ANY TOWN, OR FOR ANY VILLAGE WHOLLY OR PARTLY LOCATED IN SUCH TOWN, WITHIN HIS OR HER COUNTY OF RESIDENCE OR AN ADJOINING COUNTY. A JUSTICE WHO CEASES TO SATISFY THIS REQUIREMENT AS TO ANY SUCH JUDICIAL OFFICE SHALL BE DEEMED TO VACATE SUCH OFFICE, WHICH THEREAFTER SHALL BE FILLED IN THE MANNER PRESCRIBED BY LAW.

S 2. The uniform justice court act is amended by adding a new section 105-c to read as follows:

S 105-C. ELECTION TO PROCEED IN CERTAIN CRIMINAL ACTIONS.

(A) IN ACCORDANCE WITH THIS SECTION, A DEFENDANT APPEARING IN A JUSTICE COURT PURSUANT TO AN ACCUSATORY INSTRUMENT THAT CHARGES A MISDEMEANOR OR FELONY MAY ELECT TO PROCEED IN SUCH MATTER ONLY BEFORE A JUSTICE ADMITTED TO PRACTICE LAW IN THIS STATE. SUCH ELECTION SHALL BE BY WRITTEN INSTRUMENT IN A FORM PRESCRIBED BY THE CHIEF ADMINISTRATOR OF THE COURTS AND SHALL BE FILED WITH SUCH COURT NOT LATER THAN THE

COMPLETION OF THE FIRST APPEARANCE AT WHICH EITHER THE DEFENDANT MAKES A MOTION OR SUCH COURT DECIDES A MOTION MADE BY THE PROSECUTOR.

(B) THE CHIEF ADMINISTRATOR SHALL PROMULGATE RULES TO EFFECTUATE THE PROVISIONS OF THIS SECTION. SUCH RULES SHALL ENSURE THAT DEFENDANTS ARE TIMELY ADVISED OF THE RIGHT OF ELECTION HEREUNDER AND THAT EACH CASE IN WHICH A DEFENDANT MAKES SUCH AN ELECTION IS ASSIGNED TO A JUSTICE OR JUDGE ADMITTED TO PRACTICE LAW IN THIS STATE WITH MINIMUM PRACTICABLE DELAY AND BURDEN TO THE PARTIES.

S 3. Subdivision (a) of section 105 of the uniform justice court act, as amended by chapter 250 of the laws of 1975, is amended to read as follows:

(a) Training. No town or village justice [selected for a term of office commencing on or after September first, nineteen hundred sixty-seven], except one who has been admitted to practice law in this state, shall assume the functions of [his] office unless he OR SHE has filed with the clerk of [his] THE municipality IN WHICH HE OR SHE WAS SELECTED a certificate of completion of a course OR COURSES of education and training prescribed by the [administrative board. The administrative board] CHIEF ADMINISTRATOR OF THE COURTS. THE CHIEF ADMINISTRATOR may issue a temporary certificate enabling a town or village justice to assume the functions of his OR HER office pending completion of the earliest such course OR COURSES available thereafter, AND MAY ISSUE A CERTIFICATE ENABLING A TOWN OR VILLAGE JUSTICE TO ASSUME PARTIAL FUNCTIONS OF OFFICE UPON SUCCESSFUL COMPLETION OF ANY PART OF SUCH COURSE OR COURSES DIRECTLY RELATING TO SUCH PARTIAL FUNCTIONS PENDING SUCCESSFUL COMPLETION OF THE NEXT COURSE OR COURSES RELATING TO THE REMAINING FUNCTIONS OF OFFICE THAT SUCH JUSTICE SHALL NOT YET BE CERTIFIED TO PERFORM. Such certificates shall be in a form, and subject to terms and conditions, prescribed by the [administrative board] CHIEF ADMINISTRATOR.

S 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART D

Section 1. Section 102 of the uniform justice court act is amended to read as follows:

S 102. Application of UJCA.

THE JUSTICE COURTS OF THIS STATE SHALL INCLUDE EVERY COURT ESTABLISHED TO SERVE AN INDIVIDUAL TOWN OR VILLAGE AND EVERY COURT ESTABLISHED TO SERVE MULTIPLE SUCH LOCALITIES IN ACCORDANCE WITH THIS CHAPTER. The jurisdiction of and practice and procedure in each SUCH court [governed by the UJCA] shall be as prescribed herein, and each such court shall be a part of the unified court system for the state. [Such] EACH SUCH court [in each municipality] shall have an official seal [to be furnished by the municipality] upon which shall be engraved the words "Justice Court of the [(Town, Village or City) of] (insert name of municipality OR MUNICIPALITIES FOR WHICH THE COURT PRESIDES), County of (insert name of county), New York, Seal".

S 2. Section 103 of the uniform justice court act is amended to read as follows:

S 103. Titles of justices; incidental powers.

The title of each justice [of:] SELECTED BY

[a.] a town [court] OR VILLAGE shall be "Town Justice"[;

b. a village court shall be] OR "Village Justice"[;], RESPECTIVELY, and EACH SUCH JUSTICE PRESIDING IN A JUSTICE COURT PURSUANT TO THIS

CHAPTER SHALL BE TITLED A JUSTICE OF SUCH COURT. A POWER, DUTY OR LIMITATION DEVOLVING ON A JUSTICE OR COURT SUBJECT TO THIS CHAPTER SHALL DEVOLVE ON EACH JUSTICE OF SUCH COURT EXCEPT AS OTHERWISE PROVIDED BY LAW.

[c. a court established in and for a city and governed by this act shall be "City Justice".]

In addition to such judicial powers as are conferred by law in this act or elsewhere, each justice shall have all of the powers conferred or conferrable on non-judicial personnel of the court.

S 3. Section 104 of the uniform justice court act is amended to read as follows:

S 104. Bond and oath of justice.

Upon assuming office, each justice shall file with the county clerk his OR HER oath of office and a bond in an amount fixed by the [municipal] GOVERNING board OF THE TOWN OR VILLAGE FOR WHICH SUCH JUSTICE WAS SELECTED, and conditioned for the faithful performance of his OR HER duties. Additional copies of the oath shall be filed with the [administrative board] CHIEF ADMINISTRATOR OF THE COURTS and with the clerk of [the municipality] SUCH TOWN OR VILLAGE.

S 4. Subdivisions 6, 8 and 9 of section 106 of the uniform justice court act are REPEALED, subdivision 7, as renumbered by chapter 321 of the laws of 2007, is renumbered subdivision 6, subdivision 10 is renumbered subdivision 7 and subdivisions 1 and 2 of such section, subdivision 1 as amended by section 1 of part L of chapter 56 of the laws of 2010 and subdivision 2 as added by chapter 321 of the laws of 2007, are amended to read as follows:

1. A justice may hold court anywhere in the municipality OR MUNICIPALITIES FOR WHICH SUCH JUSTICE COURT PRESIDES, including in the case of a town [justice] anywhere within a village wholly or partly contained within [the] SUCH town [of which he is a justice regardless of] whether or not [said] A DIFFERENT JUSTICE COURT PRESIDES FOR SUCH village [has a village court and in the event]. IF two or more contiguous villages maintain offices in the same building, a [village] justice of A JUSTICE COURT PRESIDING FOR any such village may hold court in such building, notwithstanding that the building is outside the boundaries of such village. [A town justice may hold court in an adjacent town providing such justice has been elected or holds office pursuant to a plan established by resolution which was adopted pursuant to the provisions of section one hundred six-a of this article or the provisions of section one hundred six-b of this article.] A justice may hold court in one or more municipalities that form a contiguous geographic area, including in a town and one or more villages each of which is wholly or partly contained within such town, within the same county providing there is an agreement between such municipalities pursuant to article five-g of the general municipal law to hold all court proceedings in any of the such municipalities in a courtroom or other suitable facility open to the public. FOR PURPOSES OF ARRAIGNMENTS AND APPEARANCE PROCEEDINGS PURSUANT TO A WARRANT, A JUSTICE MAY PRESIDE FOR HIS OR HER JUSTICE COURT ANYWHERE IN THE COUNTY IN WHICH SUCH COURT IS ESTABLISHED PROVIDED THAT THE COUNTY, CITY, TOWN OR VILLAGE PROVIDING THE COURT FACILITY IN WHICH SUCH JUSTICE SHALL PRESIDE FOR ANY OF SUCH PURPOSES CONSENTS TO SUCH USAGE.

2. The chief administrator of the courts may temporarily assign any justice of another town or village [court], or a judge of a city court, to [a town or village] ANY JUSTICE court within the county of such judge's or justice's residence or an adjoining county. While temporarily

assigned hereunder, any such judge or justice shall have the powers, duties and jurisdiction of a justice of the court to which the assignment is made. After the expiration of any temporary assignment hereunder, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which the assignment was made with respect to all matters pending during the term of such temporary assignment. Such judge or justice shall be entitled to such compensation and travel expenses as the chief administrator shall prescribe by rule, payable out of funds appropriated to the state judiciary for such purpose.

S 5. Section 107 of the uniform justice court act, as amended by chapter 861 of the laws of 1975, is amended to read as follows:

S 107. Records and dockets of court.

Each justice shall keep or cause to be kept legible and suitable books, papers, records and dockets of all [civil actions and proceedings and all criminal actions and] proceedings. The rules may prescribe their form, care, custody and disposition, provided, however, that in any county or part of a county where the district court system has been duly adopted, all the dockets of the [town] justices then on file or required to be filed[,] in the office of the town OR VILLAGE clerk[,] OR IN THE JUSTICE COURT FOR SUCH TOWN OR VILLAGE shall be transferred to the office of the clerk of the district court and there kept and maintained in the same manner as other official records of the district court and responsibility for such records on the part of the town OR VILLAGE AND THE JUSTICES AND CLERKS THEREOF shall cease.

S 6. Section 109 of the uniform justice court act is amended to read as follows:

S 109. Non-judicial personnel; their powers and duties.

Each court shall have such non-judicial personnel as may be provided by the [municipal board] BUDGET FOR SUCH COURT PURSUANT TO THIS CHAPTER. Their powers and duties in addition to those provided by this act, shall be as provided in the rules OF THE CHIEF ADMINISTRATOR. All non-judicial personnel of the court shall have the power to administer oaths, take acknowledgments and sign the process or mandate of the court, if so authorized by law[,] OR COURT rule [or appellate division order].

S 7. Paragraph 3 of subdivision (a) of section 110 of the uniform justice court act, as amended by chapter 236 of the laws of 1971, is amended to read as follows:

3. a JUSTICE court [established in and] for [a city and governed by this act,] MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE POLICE OFFICIALS, MARSHALS AND CONSTABLES OF EACH SUCH MUNICIPALITY, EACH ACTING FOR HIS OR HER MUNICIPALITY, AND the sheriff of the county.

S 8. Subdivision (c) of section 111 of the uniform justice court act is amended to read as follows:

(c) Bond. With such oath as is required to be filed by subdivision (b) OF THIS SECTION shall be filed a bond, in an amount fixed and approved by the municipal board OR, FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, BY JOINT RESOLUTION OF EACH SUCH MUNICIPALITY, conditioned for the faithful performance of duty.

S 9. Section 201 of the uniform justice court act, as amended by chapter 626 of the laws of 1970 and subdivision a as amended by chapter 685 of the laws of 1977, is amended to read as follows:

S 201. Jurisdiction; in general.

a. The court shall have jurisdiction as set forth in this article and as elsewhere provided by law[, subject, in the case of a city court governed by this act, to the limitations stated in S 2300 (b) (2) (i) of this act]. The phrase "$3000", whenever it appears herein, shall be taken to mean "$3000 exclusive of interest and costs"[, except that, in the case of a city court governed by this act whose monetary jurisdiction is, pursuant to S 2300 (b) (2) (i) of this act, below $3000, it shall be taken to mean such lesser sum as is applicable in the particular court, exclusive of interest and costs].

b. Concurrent civil jurisdiction of [town court] SEPARATE JUSTICE COURTS PRESIDING FOR TOWN and village [court in village]. Notwithstanding the provisions of this chapter [or section one hundred eighty-six of the village law, the town] A JUSTICE court PRESIDING FOR A TOWN and [the village] A SEPARATE JUSTICE court [of] PRESIDING FOR a village wholly or partly within such town [and wherein a court has been established], shall have concurrent civil jurisdiction over causes of action arising within such village.

S 10. The section heading and subdivisions (a) and (b) of section 213 of the uniform justice court act are amended to read as follows:

[Residence] LOCATION OF PARTY RESIDENCE or business [within municipality].

(a) In an action described in [S 202] SECTION TWO HUNDRED TWO OF THIS CHAPTER, either a plaintiff or a defendant must:

1. be a resident of [the municipality] A TOWN OR VILLAGE FOR WHICH SUCH JUSTICE COURT IS ESTABLISHED; or

2. have a regular employment within [the municipality] SUCH TOWN OR VILLAGE; or

3. have a place for the regular transaction of business within [the municipality] SUCH TOWN OR VILLAGE.

(b) A corporation, association or partnership shall, for the purposes of this section, be deemed a resident of the [municipality] TOWN OR VILLAGE if it has an office or agency or regularly transacts business [in the municipality] THEREIN.

S 11. Section 214 of the uniform justice court act, as amended by chapter 515 of the laws of 1978, is amended to read as follows:

S 214. Transferred cases IN WESTCHESTER COUNTY.

In a case brought in the supreme court or county court of Westchester county where money damages only are sought and classification, pretrial or other appropriate procedures in either of said courts or the demand for relief have determined that the potential recovery, assuming liability, in an action or proceeding or counterclaim therein will not exceed the sum of five thousand dollars, exclusive of interest and costs, if such action or proceeding is transferred to a [town or village] JUSTICE court in the county of Westchester having jurisdiction of the parties under section two hundred thirteen of this [act] ARTICLE, pursuant to section nineteen of article six of the state constitution, the verdict or judgment of such justice court shall not be subject to the limitation of monetary jurisdiction specified elsewhere in this article for such court, but shall be subject instead to a monetary jurisdiction not to exceed five thousand dollars, exclusive of interest and costs. Alternatively, for purposes of this section only, in the furtherance of the interests of justice, such transfer may be made (a) to a justice court [in] FOR a municipality adjacent to a municipality designated in section two hundred thirteen of this [act] ARTICLE or to a justice court [in] FOR a municipality adjacent to a city in Westchester county whose court would otherwise have had jurisdiction by [the calendar] A justice of the

supreme court or judge of the county court; or (b) to any justice court in the county of Westchester by the administrative judge of the ninth judicial district. Costs incurred by local municipalities in administering their courts as a result of the application of this section shall be [a charge] CHARGES against the county of Westchester within the amounts appropriated by the county therefor and subject to reasonable rules and regulations thereof by the county.

S 12. Section 1306 of the uniform justice court act is REPEALED.

S 13. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, is amended to read as follows:

S 1801. Small claims defined.

The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, within [the] A municipality [where] FOR WHICH the court [is located] PRESIDES. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from [the town or village] A JUSTICE court having jurisdiction over the matter to another [town or village] JUSTICE court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

S 14. Paragraph 3 of subdivision (a) of section 1911 of the uniform justice court act, as added by chapter 489 of the laws of 2001, is amended to read as follows:

3. [a.] No [clerk of any town] JUSTICE court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from [the] ANY town [in] OR VILLAGE FOR which such court [has jurisdiction, nor from any village located therein or] PRESIDES OR from any officer or agency of ANY such town or village.

[b. No clerk of any village court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the village in which such court has jurisdiction, or from any officer or agency of such village.]

S 15. Section 2012 of the uniform justice court act is REPEALED.

S 16. Section 2019-a of the uniform justice court act, as amended by chapter 861 of the laws of 1975, is amended to read as follows:

S 2019-a. Justices' criminal records and docket.

The records and dockets of the court except as otherwise provided by law shall be at reasonable times open for inspection to the public and shall be and remain the property of the [village or town of the residence of such justice] COURT, and at the expiration of the term of office of [such] EACH justice THEREOF shall be forthwith filed by him in the office of the clerk of such [village or town] COURT, provided, however, that if such records and dockets are transferred pursuant to section [twenty hundred twenty-one] TWO THOUSAND TWENTY-ONE of the uniform district court act, the responsibility for such records and dockets by the [city, village or town] JUSTICE COURT shall cease and they shall be the property of the district court to which they are transferred. The record of every criminal action shall state the names of the witnesses sworn and their places of residence[, and if in a city, the street and house number;], and every proceeding had before him OR HER. It shall be the duty of every such justice, at least once a year and upon the last audit day of [such village or town] THE MUNICIPALITY OR, IN THE CASE OF A JUSTICE OF A JUSTICE COURT FOR MULTIPLE MUNICI-

PALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE LAST AUDIT DAY OF EACH OF SUCH TOWNS ONLY EXCEPT IN THE CASE OF A JUSTICE COURT FOR MULTIPLE VILLAGES ONLY, THE LAST AUDIT DAY OF EACH OF SUCH VILLAGES, to present his OR HER records and docket to the auditing board of EACH said [village or town, which] MUNICIPALITY. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE GOVERNING board OF SUCH TOWN OR VILLAGE shall examine the said records and docket, or cause THE same to be examined and a report thereon submitted to the board by a certified public accountant, or a public accountant and enter in the minutes of its proceedings the fact that they have been duly examined, and that the fines AND FEES therein collected have been turned over to the proper officials of [the] SUCH village or town as required by law. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE GOVERNING BOARDS OF EACH SUCH MUNICIPALITY SHALL BY JOINT RESOLUTION CAUSE THE SAID RECORDS AND DOCKET TO BE EXAMINED IN THE MANNER PRESCRIBED BY THIS SECTION. EXAMINATIONS PURSUANT TO THIS SECTION SHALL COMPLY WITH SUCH REASONABLE RULES AS THE STATE COMPTROLLER MAY PROVIDE. Any such justice who shall willfully fail to make and enter in such records and docket forthwith[,] the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his OR HER records and docket [to the auditing board] FOR AUDIT as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his OR HER office.

S 17. Subdivision 1 of section 2021 of the uniform justice court act, as amended by chapter 460 of the laws of 1991, is amended to read as follows:

1. A fine imposed and paid before commitment[,] must be received by the court, and unless otherwise provided by law, shall be the property of the town in which the offense was committed [if the fine was imposed by a town court]. If, however, the [fine was imposed by a village court for an] offense committed in a village FOR WHICH THERE EXISTED A VILLAGE COURT ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER, then, unless otherwise provided by law, the fine RECEIVED FOR SUCH OFFENSE shall be the property of [the] SUCH village [in which the offense was committed]. [All such fines shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection.] Notwithstanding the foregoing provisions of this subdivision, 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, whether or not [the village] THERE has BEEN established [the] FOR SUCH VILLAGE AN office of village justice.

S 18. Section 2021 of the uniform justice court act, as added by chapter 1113 of the laws of 1971, is renumbered section 2022 and amended to read as follows:

S 2022. Stenographer in criminal proceedings.

Whenever a contested criminal proceeding is prosecuted in a justice court, [the justice] SUCH COURT may employ a stenographer to take the testimony on such trial. The [municipal board shall fix the rate of compensation to be paid to such stenographer for such services rendered. Such compensation] COST THEREOF shall be a [municipal] charge AGAINST SUCH COURT, and shall be audited and paid upon certification by the court [specifying the number of folios furnished].

S 19. Section 2101 of the uniform justice court act, paragraph 1 of subdivision (n) as amended by chapter 626 of the laws of 1970, is amended to read as follows:

S 2101. Definitions.

The following words or phrases used in this act shall have the meaning defined in this section, unless otherwise apparent from the context:

(a) "Administrative board" means the administrative board of the judicial conference of the state.

(b) "Administrative judge" means the judicial officer designated, by the appellate division of the department in which the court is located, to be administrator of the particular court.

(c) "Appellate division" means the appellate division of the supreme court in and for the department in which the particular court is located, or its designated administrative judge.

(d) ["City" means the city in and for which is established the particular court, which court is established in and for a city and is governed by this act, to which this act is being applied.

(e) "City justice" means the justice or justices of the particular court, established in and for a city and governed by this act, to which court this act is being applied.

(f)] "Clerk" means the clerk of the particular court to which this act is being applied, or the non-judicial person performing the functions of such office; if the particular court has no such clerk or non-judicial person, it means the justice of such court.

[(g)] (E) "County" means the county in which is located, in whole or in part, the municipality in and for which the particular court to which this act is being applied is located.

[(h)] (F) "County clerk" means the clerk of the county defined above.

[(i)] (G) "Court" [embraces] AND "JUSTICE COURT" SHALL EMBRACE each and every JUSTICE court or office to which this act is applicable pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED OF THIS ACT and, for purposes of the application of this act to each such court, it shall be taken as a reference to [either:

1.] the [town] court [of] PRESIDING FOR the particular town[;] or

[2. the village court of the particular] village, INCLUDING A COURT FOR SUCH MULTIPLE MUNICIPALITIES, and if there is no court [established in and] for the particular village [it means] THEN the [town] court, if any, [of] FOR the town in which the village is located in whole or in part[; or

3. the court established in and for the particular city, if such court is governed by this act;], as the case may be.

[(j)] (H) "Court established in and for a city" means a court established in and for a city, which court is governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED of this act.

[(k)] (I) "Enforcement officer" means any appropriate officer as enumerated in [S 110] SECTION ONE HUNDRED TEN of this act.

[(l)] (J) "Justice" embraces every justice of every court to which this act applies, and it shall be taken as a reference to the justice of the particular court to which this act is being applied.

[(m)] (K) "Municipal board" means the local governing body of the town[,] OR village [or city in and] for which the particular court to which this act is being applied [is established] PRESIDES.

[(n)] (L) "Municipality" means[, as applied to:

1. a town court,] the town [in and] for which [it is established and it includes] A JUSTICE COURT PRESIDES, INCLUDING a village located in whole or in part within the town with respect to civil causes of action

arising within such village or if there is no OTHER court [established in and] PRESIDING for such village[;], OR

[2. a] THE village [court, the village in and] for which [it is established] A JUSTICE COURT PRESIDES WHERE ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER THERE EXISTED A VILLAGE COURT FOR SUCH VILLAGE, AS THE CASE MAY BE[; and

3. a court established in and for a city, which court is governed by this act, the city in and for which it is established].

[(o)] (M) "Rules" means the rules adopted pursuant to [S 2103] SECTION TWENTY-ONE HUNDRED THREE of this act.

[(p)] (N) "Town" means the town [in and] for which [is established] the particular [town] JUSTICE court to which this act is being applied PRESIDES. It does not include any village which is in whole or in part within the town unless there [is] WAS no village court established [in and] for such village ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER, in which event it does include such village. [It does not include any city.]

[(q)] (O) "Town court" means the particular court or [office established in and] JUSTICE for a town, which court or [office] JUSTICE is governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED of this act and to which this act is being applied.

[(r)] (P) "Town justice" means the justice or justices of the particular [town] JUSTICE court FOR THE TOWN to which this act is being applied.

[(s)] (Q) "Village" means the village [in and] for which [is established] the particular [village] JUSTICE court to which this act is being applied PRESIDES OR FOR WHICH A VILLAGE COURT WAS ESTABLISHED ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER.

[(t)] (R) "Village court" means the particular court or [office established in and] JUSTICE for a village, which court or [office] JUSTICE is governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED of this act and to which this act is being applied.

[(u)] (S) "Village justice" means the justice or justices of the particular [village] JUSTICE court FOR THE VILLAGE to which this act is being applied.

S 20. Subdivision (b) of section 2300 of the uniform justice court act is amended to read as follows:

(b) Courts to which applicable.

[1. Town and village courts.] This act shall apply to[:

(i)] every court in the state [which is] established [in] and PRESIDING for [a town, whether] ONE OR MORE TOWNS AND/OR ONE OR MORE VILLAGES, BY WHATEVER NAME SUCH COURT PREVIOUSLY WAS denominated ["justice court", "justice's court", "justice of the peace", "town court", "office of justice of the peace", or any other combination of words denoting the office or court commonly known as that of justice of the peace of a town; and

(ii) every court in the state which is established in and for a village, whether denominated "village court", "village justice", "police justice", "police court", "village police justice", "village justice of the peace", "office of village police justice", or any other combination of words denoting the office or court commonly known as that of village police justice], except as provided by PARAGRAPH TWO OF subdivision (d) [(2)] OF THIS SECTION regarding areas of a district court.

[2. City courts. The applicability of this act to courts established in and for cities outside the city of New York, regardless of the name

or designation of such courts, shall be as provided in the following subparagraphs.

(i) Civil jurisdiction. If the court has civil jurisdiction, but in its exercise is governed by the UCCA pursuant to either paragraph one or three of UCCA S 2300(c), no part of this act shall apply to such court. If the court exercised civil jurisdiction immediately prior to the effective date of this act and in the exercise thereof the court was and is not governed by the UCCA pursuant to either paragraph one or three of UCCA S 2300(c), this act, with the exception of article 20 and such other provisions hereof as are concerned with the criminal practice and procedure, shall apply to the court. In such instance, the basic monetary jurisdiction of the court, for purposes of article two of this act, shall be as elsewhere provided by law for such court; and if the law providing for the monetary jurisdiction of such court states no monetary figure, but adopts by reference such figure as is supplied by a different law, the reference shall be disregarded and the monetary jurisdiction of such court, for purposes of article two of this act, shall be $500.

(ii) Criminal jurisdiction. Article 20 of this act, and such other portions hereof as are concerned exclusively with criminal jurisdiction, practice or procedure, shall not apply to any court established in and for a city.]

S 21. Section 99-k of the general municipal law is REPEALED.

S 22. The opening paragraph of subdivision 1 of section 99-1 of the general municipal law, as amended by chapter 452 of the laws of 1997, is amended to read as follows:

[Towns and villages, for their own respective benefits shall be entitled to receive for] FOR the services of the town [court and the] OR village [court] in WHOSE FACILITY A JUSTICE COURT PRESIDES OVER A criminal [actions and] ACTION OR other [proceedings] PROCEEDING, THE COURT SHALL COLLECT ON BEHALF OF SUCH TOWN OR VILLAGE:

S 23. Subdivision 2 of section 99-m of the general municipal law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

2. A JUSTICE COURT FOR A town or village [court], INCLUDING A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OR THE UNIFORM JUSTICE COURT ACT, shall be entitled to a fee of two per centum of the amount of bail money deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction, other than an action or proceeding in which the accusatory instrument charges one or more traffic infractions only, and an additional fee of one per centum as provided herein. The total fees on a sum of bail shall not, however, exceed three per centum and [a town or village] SUCH court shall not be entitled to collect such fees on bail transferred to a superior court. All fees on bail collected by [a town or village] SUCH court shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection, except as provided in subdivision three of section ninety-nine-a of the state finance law. [Two] FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, TWO per centum of the bail moneys so collected shall be the property of [the] SUCH town or village [in which the court reporting the same is located, and the]; FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, EACH SUCH MUNICIPALITY SHALL SHARE SUCH TWO PER CENTUM IN PROPORTION TO THE POPULATION OF EACH SUCH MUNICIPALITY AS MEASURED IN THE PRECEDING

FEDERAL DECENNIAL CENSUS OR ENUMERATION, AS THE STATE COMPTROLLER SHALL PROVIDE. THE additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the [town or village] COURT is located.

S 24. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by [town and village] justice courts, and by the Nassau county traffic and parking violations agency, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

a. electronic funds transfer;

b. remittance of funds by the justice court to the chief fiscal office of the town or village[, or, in the case of]; FOR JUSTICE COURTS FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, TO THE CHIEF FISCAL OFFICER OF EACH SUCH MUNICIPALITY; AND FOR the Nassau county traffic and parking violations agency, to the county treasurer, ALL for distribution in accordance with instructions by the comptroller; and/or

c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau county traffic and parking violations bureau may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

S 25. Paragraph b of subdivision 1 and subdivision 2 of section 1803 of the vehicle and traffic law, paragraph b of subdivision 1 as amended by chapter 385 of the laws of 1999 and subdivision 2 as amended by chapter 1097 of the laws of 1971, are amended to read as follows:

b. for a violation which occurs in a village in which the office of village justice [is] WAS established ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, any fine or penalty shall be paid to the village in which the violation occurs, when such violation is of (1) any of the provisions of title seven of this chapter, but including violations of section eleven hundred eighty OF THIS CHAPTER only when occurring in state parks for which the office of parks, recreation and historic preservation has established maximum speed limits pursuant to section sixteen hundred thirty OF THIS CHAPTER and the violations could have been charged under either such established maximum speed limits or another section of this chapter, and when involving maximum speed limits established pursuant to section sixteen hundred forty-three, sixteen hundred forty-four or sixteen hundred seventy OF THIS CHAPTER, and excluding violations of sections eleven hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve of this chapter, or (2) any ordinance, order, rule or regulation adopted pursuant to article two-E of the transportation law or section sixteen hundred thirty of this chapter by the East Hudson Parkway Authority or by its successor, or the County of Westchester Department of Parks, Recreation and Conservation, or the state office of parks, recreation

and historic preservation. For purposes of this paragraph, violations shall be deemed to be violations of any such ordinance, order, rule or regulation when they occur on highways under the jurisdiction of the enumerated entities and the violations could have been charged under either such ordinance, order, rule or regulation, or another section of this chapter. Notwithstanding the foregoing provisions of this paragraph, all fines, penalties and forfeitures for violation of a village ordinance, local law or regulation adopted pursuant to the authorization of paragraph six of subdivision (a) of section sixteen hundred forty of this chapter prohibiting, restricting or limiting the stopping, standing or parking of vehicles shall be paid to such village whether or not the village has OR HAD established the office of village justice.

2. Whenever a defendant is arrested and arraigned before a judicial officer authorized to conduct any proceedings in or in connection with any prosecution triable in any local court of inferior jurisdiction [of] FOR a city [or before a], town [court,] or [a] village [court] on a charge in which the state is entitled to all fines and penalties under a sentence or judgment of conviction such city, town or village shall be entitled to receive the fees set forth in section ninety-nine-l of the general municipal law and such fees shall be a state charge and paid as provided in section ninety-nine-a of the state finance law.

S 26. Section 45 of the agriculture and markets law, as amended by chapter 892 of the laws of 1972, is amended to read as follows:

S 45. Disposal of fines and moneys recovered. Except as otherwise provided in this chapter, all moneys recovered, either as fines, penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter, or of any other law the enforcement of which is within the jurisdiction of the department, or of the rules of the department, and all bail forfeited by persons charged with such violations, shall be the property of the state. Moneys so recovered by [town justices] JUSTICE COURTS shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law [and] EXCEPT THAT moneys so recovered by [village justices] JUSTICE COURTS FOR ONE OR MORE VILLAGES ONLY shall be paid to the state comptroller in accordance with the provisions of section 4-410 of the village law. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of this chapter. Provided, however, that any such moneys collected as fines, penalties or forfeitures as a result of a prosecution for a violation of any of the provisions of article sixteen [and sixteen-a] of this chapter and all bail forfeited by persons charged with such violations shall be the property of the county or city, as the case may be, in which the alleged offense was prosecuted and shall be paid to the treasurer, or corresponding fiscal officer, of such county or city, except that any such moneys and any such bail forfeitures, collected by [the town justices or by village justices] JUSTICE COURTS shall be paid to the state comptroller in accordance with section twenty-seven of the town law and MONEYS SO RECOVERED BY JUSTICE COURTS FOR ONE OR MORE VILLAGES ONLY SHALL BE PAID TO THE STATE COMPTROLLER IN ACCORDANCE WITH section 4-410 of the village law, respectively.

S 27. Subdivision 2 of section 71-0211 of the environmental conservation law, as amended by chapter 460 of the laws of 1991, is amended to read as follows:

2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordi-

nances adopted thereunder under judgment of any [town or village] JUSTICE court[,] shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The comptroller shall pay these funds into the general fund of the state.

S 28. Subdivisions 2 and 3 of section 71-0507 of the environmental conservation law, subdivision 3 as amended by chapter 400 of the laws of 1973, are amended to read as follows:

2. Such actions, if in [justices' courts] A JUSTICE COURT, may be brought in THE JUSTICE COURT FOR any town OR VILLAGE of the county in which the penalty is incurred, or, if the defendant resides in another county, [in] FOR any town OR VILLAGE of the county in which the defendant resides.

3. Moneys received by a [town justice or a village] justice COURT in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 [of] OR titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the [Town Law] TOWN LAW and section 4-410 of the village law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under articles 11 or 13 OF THIS CHAPTER or title 9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 OF THIS CHAPTER or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle his OR HER account with the conservation fund in the manner provided by section 99-a of the [State Finance Law] STATE FINANCE LAW. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the general fund.

S 29. Section 71-0521 of the environmental conservation law is amended to read as follows:

S 71-0521. Certificate by court [or justice].

The court [or justice], other than a [town justice or a village police] justice COURT, before whom any person shall be tried or before whom a compromise of the civil penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made, or the clerk of the court, [if there be a clerk,] shall, at the termination of such trial or proceeding, forthwith mail or deliver to the department at Albany, or to its representative at such trial or proceeding, a certified statement of the disposition of the case or proceeding, giving the date thereof, the name of the defendant, the name of the person upon whose information the action or proceeding was instituted, the date and place of the violation, the name of each witness sworn in support of the charges, and the costs of the court [or fees of the justice], and the fees of the constable, if any. Provided, however, that a [town] justice [or a village police justice] COURT before whom any person shall be tried or before whom a compromise of the civil

penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made, OR THE CLERK OF SUCH COURT, shall forthwith mail or deliver to the department at Albany or to its representative in attendance at such trial or proceeding such certified statement, and within the first ten days of the month following the termination of such trial or proceeding deliver to the State Comptroller at Albany a statement in such form as the Comptroller may require. The Comptroller upon receipt of such statement shall, as provided in section 71-0507, audit the bills of the justice [of the peace] COURT and the constable for fees in such trial or proceeding and shall pay to the persons entitled thereto the amounts allowed by such audit and shall charge same to the conservation fund.

S 30. Subdivision 2 of section 52 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

2. All fines imposed under this chapter, except as herein otherwise provided, shall be paid directly and immediately by the officer collecting the same to the [chairman] CHAIRPERSON, and shall be paid by him OR HER into the uninsured employers' fund created under section twenty-six-a of this chapter, provided, however, that all such fines collected by [justices of towns and villages] JUSTICE COURTS shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law and section 4-410 of the village law respectively.

S 31. Subdivision 1 of section 27.13 of the parks, recreation and historic preservation law, as amended by chapter 292 of the laws of 1980, is amended to read as follows:

1. Not later than the tenth day of each month, all fines and penalties collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any [town or village] JUSTICE court[,] shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed.

All fines and penalties collected for violations of this chapter by courts operating pursuant to section thirty-nine of the judiciary law shall be paid to the state commissioner of taxation and finance on a monthly basis no later than ten days after the last day of each month.

S 32. Subdivisions 1 and 3 of section 201 of the navigation law, as amended by chapter 805 of the laws of 1992, are amended to read as follows:

1. On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this chapter, except for violations of article six OF THIS CHAPTER, under judgment of any [town or village court or] justice COURT or pursuant to compromise, shall be paid over by such court [or justice] to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fine or penalty imposed.

3. All fines and penalties imposed for violations of article four of this chapter under judgment of any [town or village court or] justice COURT or pursuant to compromise which are paid over by such court [or justice] to the comptroller shall be deposited by the comptroller into

the "I love NY waterways" boating safety fund established pursuant to section ninety-seven-nn of the state finance law.

S 33. This act shall take effect immediately.

S 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 5. This act shall take effect immediately; provided, however that the applicable effective date of Parts A through D of this act shall be as specifically set forth in the last section of such Parts.