

4596

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the uniform city court act and the judiciary law, in relation to judges of city courts

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

1 Section 1. Paragraph 1 of subdivision (b) of section 2104 of the
2 uniform city court act, as amended by chapter 493 of the laws of 2006,
3 is amended to read as follows:
4 (1) be an attorney admitted to practice law in this state for at least
5 five years as of the date he or she commences the duties of office, and
6 be a resident of the city in which he or she is elected or appointed,
7 except that the judges of the Sherrill city court may reside anywhere in
8 either Oneida or Madison counties, the city court judge who serves in
9 the office that formerly was that of acting judge of the Oneida city
10 court may reside anywhere in Madison county, the judges of the Peekskill
11 city court may reside anywhere in Westchester county, the city court
12 judge who serves in the office that formerly was that of acting judge of
13 the Port Jervis city court may reside anywhere in either Sullivan or
14 Orange counties, the judges of the Hudson city court may reside anywhere
15 in Columbia county, the city court judge who serves in the office that
16 formerly was that of acting judge of the Mechanicville city court may
17 reside anywhere in Saratoga county, the judges of the Ogdensburg city
18 court may reside anywhere in St. Lawrence county, the judges of the
19 Rensselaer city court may reside anywhere in Rensselaer county and one
20 judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN
21 THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY
22 COURT may reside anywhere in Albany county.

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

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1 S 2. Subdivision (d) of section 2104 of the uniform city court act, as
2 amended by chapter 493 of the laws of 2006, is amended to read as
3 follows:

4 (d) The number of judges of the city court in each city shall be as
5 provided herein. Full-time judgeships are specifically so designated,
6 all others are part-time:

7 Par. Name of city

8 1 Albany, [four] FIVE full-time [and one part-time];
9 2 Amsterdam, one full-time and one part-time;
10 3 Auburn, one full-time and one part-time;
11 4 Batavia, one full-time and one part-time;
12 5 Beacon, one full-time and one part-time;
13 6 Binghamton, two full-time and one part-time;
14 7 Buffalo, [thirteen] FOURTEEN full-time;
15 8 Canandaigua, one full-time and one part-time;
16 9 Cohoes, two;
17 10 Corning, one full-time and one part-time;
18 11 Cortland, one full-time and one part-time;
19 12 Dunkirk, one full-time and one part-time;
20 13 Elmira, two full-time;
21 14 Fulton, one full-time and one part-time;
22 15 Geneva, three;
23 16 Glen Cove, two;
24 17 Glens Falls, one full-time and one part-time;
25 18 Gloversville, one full-time and one part-time;
26 19 Hornell, two;
27 20 Hudson, two;
28 21 Ithaca, [one] TWO full-time [and one part-time];
29 22 Jamestown, [one] TWO full-time [and one part-time];
30 23 Johnstown, two;
31 24 Kingston, one full-time and one part-time;
32 25 Lackawanna, one full-time and one part-time;
33 26 Little Falls, two;
34 27 Lockport, [one] TWO full-time [and one part-time];
35 28 Long Beach, two full-time;
36 29 Mechanicville, two;
37 30 Middletown, [one] TWO full-time [and one part-time];
38 31 Mount Vernon, three full-time and one part-time;
39 32 Newburgh, [two] THREE full-time;
40 33 New Rochelle, [two] THREE full-time [and one part-time];
41 34 Niagara Falls, four full-time;
42 35 North Tonawanda, one full-time and one part-time;
43 36 Norwich, [two] ONE FULL-TIME AND ONE PART-TIME;
44 37 Ogdensburg, one full-time and one part-time;
45 38 Olean, one full-time and one part-time;
46 39 Oneida, [two] ONE FULL-TIME AND ONE PART-TIME;
47 40 Oneonta, two;
48 41 Oswego, one full-time and one part-time;
49 42 Peekskill, one full-time and one part-time;
50 43 Plattsburgh, one full-time and one part-time;
51 44 Port Jervis, two;
52 45 Poughkeepsie, two full-time;
53 46 Rensselaer, two;
54 47 Rochester, nine full-time;
55 48 Rome, [one] TWO full-time [and one part-time];
56 49 Rye, one full-time and one part-time;

1 50 Salamanca, two;
2 51 Saratoga Springs, [one] TWO full-time [and one part-time];
3 52 Schenectady, three full-time;
4 53 Sherrill, one;
5 54 Syracuse, eight full-time;
6 55 Tonawanda, one full-time and one part-time;
7 56 Troy, [one] TWO full-time and one part-time;
8 57 Utica, three full-time;
9 58 Watertown, one full-time and one part-time;
10 59 Watervliet, two;
11 60 White Plains, [three] FOUR full-time [and one part-time];
12 61 Yonkers, [six] SEVEN full-time.

13 S 3. Subparagraph (i) of paragraph 1 of subdivision (e) of section
14 2104 of the uniform city court act, as amended by chapter 493 of the
15 laws of 2006, is amended to read as follows:

16 (i) by the mayor of the city for which the court on which he or she
17 will serve has been established, with the advice and consent of the city
18 council: part-time city court judge of Beacon, part-time city court
19 judge of Corning, part-time city court judge of Cortland, part-time city
20 court judge of Gloversville, city court judge of Glen Cove who serves in
21 the office that on June first, two thousand one was an appointive office
22 pursuant to this subparagraph, [part-time city court judge of Ithaca,
23 part-time] city court judge of Jamestown WHO SERVES IN THE OFFICE THAT
24 ON JANUARY FIRST, TWO THOUSAND ELEVEN WAS AN APPOINTIVE OFFICE PURSUANT
25 TO THIS SUBPARAGRAPH, part-time city court judge of Olean, city court
26 judges of Plattsburgh, city court judge of Port Jervis who serves in the
27 office that formerly was that of acting city court judge of Port Jervis,
28 city court judges of Rye, city court judge of Salamanca who serves in
29 the office that formerly was that of acting city court judge of Salaman-
30 ca and the part-time city court judge of Watertown.

31 S 4. The opening paragraph of subparagraph (iii) of paragraph 1 of
32 subdivision (e) of section 2104 of the uniform city court act, as
33 amended by chapter 493 of the laws of 2006, is amended to read as
34 follows:

35 by the mayor of the city for which the court on which he or she will
36 serve has been established: part-time city court judge of Binghamton,
37 city court judges of Cohoes, part-time city court judge of Dunkirk,
38 part-time city court judge of Fulton, city court judge of Geneva who
39 serves in the office that formerly was that of acting city court judge
40 of Geneva, city court judge of Hornell who serves in the office that
41 formerly was that of acting city court judge of Hornell, city court
42 judge of Hudson who serves in the office that formerly was that of
43 acting city court judge of Hudson, part-time city court judge of King-
44 ston, part-time city court judge of Lackawanna, city court judge of
45 Little Falls who serves in the office that formerly was that of acting
46 CITY court judge of Little Falls, [part-time city court judge of Lock-
47 port,] city court judge of Mechanicville who serves in the office that
48 formerly was that of acting city court judge of Mechanicville, [part-
49 time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT ON
50 JANUARY FIRST, TWO THOUSAND ELEVEN WAS PART-TIME, part-time city court
51 judge of Mount Vernon, [part-time] city court [judge] JUDGES of New
52 Rochelle [and full-time city court judge of such city who serves in the
53 office created during the calendar year commencing January first, two
54 thousand one] WHO SERVE IN OFFICES THAT ON JANUARY FIRST, TWO THOUSAND
55 ELEVEN WERE APPOINTIVE OFFICES PURSUANT TO THIS SUBPARAGRAPH, part-time
56 city court judge of North Tonawanda, part-time city court judge of

1 Ogdensburg, city court judge of Oneida who serves in the office that
 2 [formerly was that of acting city court judge of Oneida] ON JANUARY
 3 FIRST, TWO THOUSAND ELEVEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS
 4 SUBPARAGRAPH, city court judge of Oneonta who serves in the office that
 5 formerly was that of acting city court judge of Oneonta, part-time city
 6 court judge of Oswego, city court judges of Poughkeepsie, city court
 7 judge of Rensselaer who serves in the office that formerly was that of
 8 acting city court judge of Rensselaer, [part-time] city court judge of
 9 Saratoga Springs WHO SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO
 10 THOUSAND ELEVEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH,
 11 part-time city court judge of Tonawanda and city court judge of Waterv-
 12 liet who serves in the office that formerly was that of acting city
 13 court judge of Watervliet. Provided, however, the following special
 14 provisions shall be applicable in the city of Poughkeepsie:

15 S 5. Section 221-i of the judiciary law, as amended by chapter 493 of
 16 the laws of 2006, is amended to read as follows:

17 S 221-i. Salary of judges of the city courts outside the city of New
 18 York. The annual salary of each judge of a city court outside the city
 19 of New York shall be as follows (where this section provides different
 20 salaries for judicial positions on the same court having the same title,
 21 the greater salary shall be paid the person holding the position paid
 22 the greater salary on the day immediately preceding the day on which
 23 such salaries took effect):

| 24 City | Title | |
|-----------------|-----------------------|-----------------|
| 25 Albany | City Court Judge (FT) | 113,900 |
| 26 [Albany | City Court Judge | 54,400] |
| 27 Amsterdam | City Court Judge (FT) | 108,800 |
| 28 Amsterdam | City Court Judge | 27,200 |
| 29 Auburn | City Court Judge (FT) | 108,800 |
| 30 Auburn | City Court Judge | [27,200] 54,400 |
| 31 Batavia | City Court Judge (FT) | 108,800 |
| 32 Batavia | City Court Judge | 27,200 |
| 33 Beacon | City Court Judge (FT) | 108,800 |
| 34 Beacon | City Court Judge | 27,200 |
| 35 Binghamton | City Court Judge (FT) | 108,800 |
| 36 Binghamton | City Court Judge | 54,400 |
| 37 Buffalo | Chief Judge (FT) | 115,100 |
| 38 Buffalo | City Court Judge (FT) | 113,900 |
| 39 Canandaigua | City Court Judge (FT) | 108,800 |
| 40 Canandaigua | City Court Judge | 27,200 |
| 41 Cohoes | City Court Judge | 54,400 |
| 42 Corning | City Court Judge (FT) | 108,800 |
| 43 Corning | City Court Judge | 27,200 |
| 44 Cortland | City Court Judge (FT) | 108,800 |
| 45 Cortland | City Court Judge | [27,200] 54,400 |
| 46 Dunkirk | City Court Judge (FT) | 108,800 |
| 47 Dunkirk | City Court Judge | 27,200 |
| 48 Elmira | City Court Judge (FT) | 108,800 |
| 49 Fulton | City Court Judge (FT) | 108,800 |
| 50 Fulton | City Court Judge | 27,200 |
| 51 Geneva | City Court Judge | 54,400 |
| 52 Geneva | City Court Judge | 27,200 |
| 53 Glen Cove | City Court Judge | 54,400 |
| 54 Gloversville | City Court Judge (FT) | 108,800 |

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|----|-----------------|-----------------------|----------|---------|
| 1 | Gloversville | City Court Judge | 27,200 | |
| 2 | Glens Falls | City Court Judge (FT) | 108,800 | |
| 3 | Glens Falls | City Court Judge | 27,200 | |
| 4 | Hornell | City Court Judge | 54,400 | |
| 5 | Hornell | City Court Judge | 27,200 | |
| 6 | Hudson | City Court Judge | 54,400 | |
| 7 | Hudson | City Court Judge | 27,200 | |
| 8 | Ithaca | City Court Judge (FT) | 108,800 | |
| 9 | [Ithaca | City Court Judge | 54,400] | |
| 10 | Jamestown | City Court Judge (FT) | 108,800 | |
| 11 | [Jamestown | City Court Judge | 54,400] | |
| 12 | Johnstown | City Court Judge | 54,400 | |
| 13 | Johnstown | City Court Judge | 27,200 | |
| 14 | Kingston | City Court Judge (FT) | 108,800 | |
| 15 | Kingston | City Court Judge | 54,400 | |
| 16 | Lackawanna | City Court Judge (FT) | 108,800 | |
| 17 | Lackawanna | City Court Judge | 54,400 | |
| 18 | Lockport | City Court Judge (FT) | 108,800 | |
| 19 | [Lockport | City Court Judge | 54,400] | |
| 20 | Long Beach | City Court Judge (FT) | 118,300 | |
| 21 | Little Falls | City Court Judge | 27,200 | |
| 22 | Mechanicville | City Court Judge | 27,200 | |
| 23 | Middletown | City Court Judge (FT) | 108,800 | |
| 24 | [Middletown | City Court Judge | 54,400] | |
| 25 | Mount Vernon | City Court Judge (FT) | 118,300 | |
| 26 | Mount Vernon | City Court Judge | 54,400 | |
| 27 | Newburgh | City Court Judge (FT) | 108,800 | |
| 28 | Niagara Falls | Chief Judge (FT) | 115,100 | |
| 29 | Niagara Falls | City Court Judge (FT) | 113,900 | |
| 30 | Norwich | City Court Judge (FT) | [54,400] | 108,800 |
| 31 | Norwich | City Court Judge | 27,200 | |
| 32 | New Rochelle | City Court Judge (FT) | 118,300 | |
| 33 | [New Rochelle | City Court Judge | 54,400] | |
| 34 | North Tonawanda | City Court Judge (FT) | 108,800 | |
| 35 | North Tonawanda | City Court Judge | 54,400 | |
| 36 | Ogdensburg | City Court Judge (FT) | 108,800 | |
| 37 | Ogdensburg | City Court Judge | 27,200 | |
| 38 | Olean | City Court Judge (FT) | 108,800 | |
| 39 | Olean | City Court Judge | 27,200 | |
| 40 | Oneida | City Court Judge (FT) | [54,400] | 108,800 |
| 41 | Oneida | City Court Judge | 27,200 | |
| 42 | Oneonta | City Court Judge | 54,400 | |
| 43 | Oneonta | City Court Judge | 27,200 | |
| 44 | Oswego | City Court Judge (FT) | 108,800 | |
| 45 | Oswego | City Court Judge | 27,200 | |
| 46 | Peekskill | City Court Judge (FT) | 108,800 | |
| 47 | Peekskill | City Court Judge | 54,400 | |
| 48 | Poughkeepsie | City Court Judge (FT) | 108,800 | |
| 49 | Plattsburgh | City Court Judge (FT) | 108,800 | |
| 50 | Plattsburgh | City Court Judge | 27,200 | |
| 51 | Port Jervis | City Court Judge | 54,400 | |
| 52 | [Port Jervis | City Court Judge | 27,200] | |
| 53 | Rensselaer | City Court Judge | 54,400 | |
| 54 | Rensselaer | City Court Judge | 27,200 | |
| 55 | Rochester | Chief Judge (FT) | 115,100 | |
| 56 | Rochester | City Court Judge (FT) | 113,900 | |

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|----|-------------------|-----------------------|-----------------|
| 1 | Rome | City Court Judge (FT) | 113,900 |
| 2 | [Rome | City Court Judge | 54,400] |
| 3 | Rye | City Court Judge (FT) | 108,800 |
| 4 | Rye | City Court Judge | [27,200] 54,400 |
| 5 | Salamanca | City Court Judge | 54,400 |
| 6 | SALAMANCA | CITY COURT JUDGE | 27,200 |
| 7 | Saratoga Springs | City Court Judge (FT) | 108,800 |
| 8 | [Saratoga Springs | City Court Judge | 54,400] |
| 9 | Schenectady | City Court Judge (FT) | 108,800 |
| 10 | Sherrill | City Court Judge | 27,200 |
| 11 | Syracuse | Chief Judge (FT) | 115,100 |
| 12 | Syracuse | City Court Judge (FT) | 113,900 |
| 13 | Tonawanda | City Court Judge (FT) | 108,800 |
| 14 | Tonawanda | City Court Judge | 54,400 |
| 15 | Troy | City Court Judge (FT) | 113,900 |
| 16 | Troy | City Court Judge | 81,600 |
| 17 | Utica | Chief Judge (FT) | 115,100 |
| 18 | Utica | City Court Judge (FT) | 113,900 |
| 19 | Watertown | City Court Judge (FT) | 108,800 |
| 20 | Watertown | City Court Judge | 27,200 |
| 21 | Watervliet | City Court Judge | 54,400 |
| 22 | [Watervliet | City Court Judge | 27,200] |
| 23 | White Plains | City Court Judge (FT) | 116,800 |
| 24 | [White Plains | City Court Judge | 54,400] |
| 25 | Yonkers | Chief Judge (FT) | 119,500 |
| 26 | Yonkers | City Court Judge (FT) | 118,300 |

27 S 6. Transition. Notwithstanding any other provision of law, for
 28 purposes of this act:

29 (a) On the effective date of this section:

30 (i) each of the following part-time judgeships shall be abolished and
 31 replaced by a full-time judgeship: the part-time city court judge of
 32 Albany, the part-time city court judge of Ithaca, the part-time city
 33 court judge of Jamestown, the part-time city court judge of Lockport,
 34 the part-time city judge of Middletown, the part-time city court judge
 35 of New Rochelle, the part-time city court judge of Norwich whose office
 36 is paid the greater compensation on such date, the part-time city court
 37 judge of Oneida whose office is paid the greater compensation on such
 38 date, the part-time city court judge of Rome, the part-time city court
 39 judge of Saratoga Springs and the part-time city court judge of White
 40 Plains. Each person in a judgeship abolished by this subdivision shall
 41 continue in service in the full-time judgeship that replaces such abol-
 42 ished judgeship hereunder for the remainder of the term of office to
 43 which he or she was selected in such abolished judgeship except that the
 44 person who continues in service in the full-time judgeship that replaces
 45 the abolished judgeship in the city court of Lockport shall do so until
 46 the thirty-first day of December next succeeding the date on which such
 47 term of office would otherwise expire; and

48 (ii) the office of the part-time city court judge of Salamanca senior
 49 in service on such date shall receive the increase in compensation
 50 provided in section 221-i of the judiciary law as amended by section
 51 five of this act.

52 (b) The new offices of full-time city court judge in the cities of
 53 Buffalo, Newburgh, Troy and Yonkers, respectively, shall first be filled
 54 by election at the next general election at which they can be filled for
 55 a full term to commence January first next thereafter. Upon the first
 56 occurrence of a vacancy in the office of full-time city court judge of

1 the city court of Lockport established by paragraph (i) of subdivision
2 (a) of this section, the office shall be filled by election for a term
3 commencing the first day of January next succeeding the election.

4 S 7. (a) In the event that the compensation to be paid a judge of a
5 city court, as prescribed by this act or any other provision of law, is
6 lower than the compensation being paid such judge immediately prior to
7 the effective date of this section, such judge shall, for as long as he
8 or she holds the office in which he or she is serving on such effective
9 date, receive such higher compensation (plus any increases thereto as
10 shall thereafter be provided by law).

11 (b) Notwithstanding any provision of this act, this act shall not
12 extend or diminish any term of judicial office commenced prior to the
13 effective date of this section.

14 S 8. This act shall take effect on the first of April next succeeding
15 the date on which it shall have become a law; provided, however, that no
16 changes in the number or compensation of judges, as provided in sections
17 two and five of this act, may take effect in a city in which a full-time
18 judgeship replaces a part-time judgeship pursuant to this act until
19 authorized under section six of this act.