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

7883

I N S E N A T E

June 16, 2014

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act, in relation to the number of judges of the family court

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

Section 1. Section 121 of the family court act, as amended by chapter 209 of the laws of 1990, is amended to read as follows:

S 121. Number of judges. The family court within the city of New York shall consist of [forty-four judges and, as of July first, nineteen hundred ninety, shall consist of forty-five judges and, as of April first, nineteen hundred ninety-one, shall consist of forty-seven] FIFTY-SIX judges, EFFECTIVE JANUARY FIRST, TWO THOUSAND FIFTEEN. [At least one of the persons appointed to the office of judge of the family court created by this section, shall be a resident of the county of Richmond and hereafter there] THERE shall be at least one family court judge resident in each county of the city of New York. [The amount of compensation for such new family court judges shall be equal to the compensation payable to existing family court judges in the city of New York.]

S 2. Section 131 of the family court act is amended by adding a new subdivision (u) to read as follows:

(U) THERE SHALL BE AN ADDITIONAL FAMILY COURT JUDGE FOR EACH OF THE FOLLOWING COUNTIES: ALBANY, BROOME, CHAUTAUQUA, FRANKLIN, NASSAU, ONEIDA, OSWEGO, SCHENECTADY, SUFFOLK, ULSTER AND WESTCHESTER. THE COMPENSATION OF EACH SUCH ADDITIONAL FAMILY COURT JUDGE SHALL BE THE SAME AS THE COMPENSATION PAID TO EACH EXISTING FAMILY COURT JUDGE IN THE COUNTY FOR WHICH IT IS ESTABLISHED OR, IF THERE IS NO SEPARATELY-ELECTED FAMILY COURT JUDGE IN SUCH COUNTY, THE SAME AS THE COMPENSATION PAID TO A JUDGE OF THE COUNTY COURT IN SUCH COUNTY.

S 3. Section 131 of the family court act is amended by adding a new subdivision (v) to read as follows:

(V) THERE SHALL BE AN ADDITIONAL FAMILY COURT JUDGE FOR EACH OF THE FOLLOWING COUNTIES: DELAWARE, DUTCHESS, ERIE, MONROE, AND WARREN. THE

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

LBD15483-07-4

COMPENSATION OF EACH SUCH ADDITIONAL FAMILY COURT JUDGE SHALL BE THE SAME AS THE COMPENSATION PAID TO EACH EXISTING FAMILY COURT JUDGE IN THE COUNTY FOR WHICH IT IS ESTABLISHED OR, IF THERE IS NO SEPARATELY-ELECTED FAMILY COURT JUDGE IN SUCH COUNTY, THE SAME AS THE COMPENSATION PAID TO A JUDGE OF THE COUNTY COURT IN SUCH COUNTY.

S 4. Notwithstanding provisions of the election law related to designating petitions, the following rules shall apply to designating petitions filed in 2014 for the offices created by section two of this act:

1. A designating petition for the offices created under this act shall be filed not earlier than the eighth Monday before and not later than the seventh Thursday preceding the primary election.

2. A signature made earlier than thirteen days before the last day to file the designating petitions for the offices created under this act for the primary election shall not be counted.

3. Petitions must be signed by not less than one and three-quarter per centum, as determined by the preceding enrollment, of the then enrolled voters of the party residing within the county of the family court position created by this act (excluding voters in inactive status), provided, however, that the number of signatures need not exceed the following limits:

(a) For the offices to be filled by all the voters of counties containing more than two hundred fifty thousand inhabitants according to the last preceding federal enumeration, seven hundred signatures,

(b) For the offices to be filled by all of the voters of counties containing more than twenty-five thousand and not more than two hundred fifty thousand inhabitants, according to the last preceding federal enumeration, three hundred fifty signatures,

(c) For the offices to be filled by all the voters for any other county, one hundred seventy-five signatures.

4. All other rules related to designating petitions in the election law, not inconsistent with these provisions shall apply to such designating petitions.

S 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a 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 6. This act shall take effect immediately; provided, however, that the additional family court judges provided for by section two of this act shall first be elected at the general election to be held in November 2014 and shall first take office January 1, 2015; provided, further, that the additional family court judges provided for by section three of this act shall first be elected at the general election to be held in November 2015 and shall first take office January 1, 2016.