

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:

1 Section 1. Section 121 of the family court act, as amended by chapter
2 209 of the laws of 1990, is amended to read as follows:
3 S 121. Number of judges. The family court within the city of New York
4 shall consist of [forty-four judges and, as of July first, nineteen
5 hundred ninety, shall consist of forty-five judges and, as of April
6 first, nineteen hundred ninety-one, shall consist of forty-seven]
7 FIFTY-SIX judges, EFFECTIVE JANUARY FIRST, TWO THOUSAND FIFTEEN. [At
8 least one of the persons appointed to the office of judge of the family
9 court created by this section, shall be a resident of the county of
10 Richmond and hereafter there] THERE shall be at least one family court
11 judge resident in each county of the city of New York. [The amount of
12 compensation for such new family court judges shall be equal to the
13 compensation payable to existing family court judges in the city of New
14 York.]
15 S 2. Section 131 of the family court act is amended by adding a new
16 subdivision (u) to read as follows:
17 (U) THERE SHALL BE AN ADDITIONAL FAMILY COURT JUDGE FOR EACH OF THE
18 FOLLOWING COUNTIES: ALBANY, BROOME, CHAUTAUQUA, FRANKLIN, NASSAU, ONEI-
19 DA, OSWEGO, SCHENECTADY, SUFFOLK, ULSTER AND WESTCHESTER. THE COMPEN-
20 SATION OF EACH SUCH ADDITIONAL FAMILY COURT JUDGE SHALL BE THE SAME AS
21 THE COMPENSATION PAID TO EACH EXISTING FAMILY COURT JUDGE IN THE COUNTY
22 FOR WHICH IT IS ESTABLISHED OR, IF THERE IS NO SEPARATELY-ELECTED FAMILY
23 COURT JUDGE IN SUCH COUNTY, THE SAME AS THE COMPENSATION PAID TO A JUDGE
24 OF THE COUNTY COURT IN SUCH COUNTY.
25 S 3. Section 131 of the family court act is amended by adding a new
26 subdivision (v) to read as follows:
27 (V) THERE SHALL BE AN ADDITIONAL FAMILY COURT JUDGE FOR EACH OF THE
28 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.

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

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

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

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

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

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

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

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

31 4. All other rules related to designating petitions in the election
32 law, not inconsistent with these provisions shall apply to such design-
33 ating petitions.

34 S 5. Severability clause. If any clause, sentence, paragraph, subdivi-
35 sion, section or part of this act shall be adjudged by a court of compe-
36 tent jurisdiction to be invalid, such judgment shall not affect, impair
37 or invalidate the remainder thereof, but shall be confined in its opera-
38 tion to the clause, sentence, paragraph, subdivision, section or part
39 thereof directly involved in the controversy in which such judgment
40 shall have been rendered. It is hereby declared to be the intent of the
41 legislature that this act would have been enacted even if such invalid
42 provisions had not been included herein.

43 S 6. This act shall take effect immediately; provided, however, that
44 the additional family court judges provided for by section two of this
45 act shall first be elected at the general election to be held in Novem-
46 ber 2014 and shall first take office January 1, 2015; provided, further,
47 that the additional family court judges provided for by section three of
48 this act shall first be elected at the general election to be held in
49 November 2015 and shall first take office January 1, 2016.