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I N   A S S E M B L Y

June 16, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein, Rosenthal, Peoples-Stokes, Lupardo, Buchwald, Bronson, Jaffee, O'Donnell, Brindisi, Santabarbara, Fahy, Weprin, Ramos, Pretlow, Steck, Otis, Abinanti, Morelle, McDonald, Mayer, Schimel, Lavine, Englebright, Thiele, Weisenberg, Ryan, Hooper, Solages, Paulin, Hennessey, Barrett, Cahill, Glick, Goodell, Nolan, Palumbo, Saladino, Sweeney) -- read once and referred to the Committee on Judiciary

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

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

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1 COURT JUDGE IN SUCH COUNTY, THE SAME AS THE COMPENSATION PAID TO A JUDGE  
2 OF THE COUNTY COURT IN SUCH COUNTY.

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

5 (V) THERE SHALL BE AN ADDITIONAL FAMILY COURT JUDGE FOR EACH OF THE  
6 FOLLOWING COUNTIES: DELAWARE, DUTCHESS, ERIE, MONROE, AND WARREN. THE  
7 COMPENSATION OF EACH SUCH ADDITIONAL FAMILY COURT JUDGE SHALL BE THE  
8 SAME AS THE COMPENSATION PAID TO EACH EXISTING FAMILY COURT JUDGE IN THE  
9 COUNTY FOR WHICH IT IS ESTABLISHED OR, IF THERE IS NO SEPARATELY-ELECTED  
10 FAMILY COURT JUDGE IN SUCH COUNTY, THE SAME AS THE COMPENSATION PAID TO  
11 A JUDGE OF THE COUNTY COURT IN SUCH COUNTY.

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

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

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

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

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

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

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

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

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

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