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

5306--B

Cal. No. 91

2013-2014 Regular Sessions

I N A S S E M B L Y

February 22, 2013

Introduced by M. of A. BUCHWALD, ORTIZ, PAULIN, JAFFEE, MAISEL, LUPARDO, MILLMAN, GALEF, GABRYSZAK, WEPRIN -- Multi-Sponsored by -- M. of A. COLTON, COOK, GLICK, GOTTFRIED, LIFTON, MAGEE, SCARBOROUGH, THIELE -- read once and referred to the Committee on Governmental Operations -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public officers law, in relation to limiting the amount of time to appeal certain judgments regarding freedom of information violations

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

Section 1. Subdivision 4 of section 89 of the public officers law is amended by adding a new paragraph (d) to read as follows:

(D) APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN THIRTY DAYS AFTER SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. AN APPEAL TAKEN FROM AN ORDER OF THE COURT REQUIRING DISCLOSURE OF ANY OR ALL RECORDS SOUGHT SHALL BE GIVEN PREFERENCE, SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT UPON APPLICATION OF ANY PARTY TO THE PROCEEDING, AND SHALL BE DEEMED ABANDONED WHEN AN AGENCY FAILS TO SERVE AND FILE A RECORD AND BRIEF WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE OF APPEAL. FAILURE BY AN AGENCY TO SERVE AND FILE A RECORD AND BRIEF WITHIN THE ALLOTTED TIME SHALL RESULT IN THE DISMISSAL OF THE APPEAL.

S 2. This act shall take effect immediately.

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

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