

5338

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 25, 2013

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Introduced by M. of A. GALEF -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the uniform justice court act, in relation to local justice reform commissions; and to repeal article 22 of such act relating to justice court procedure (Part A); to amend the uniform justice court act, the village law, the judiciary law and the town law, in relation to justice court administration (Part B); to amend the uniform justice court act, in relation to qualifications and requirements for town and village justices (Part C); and to amend the uniform justice court act, the general municipal law, the state finance law, the vehicle and traffic law, the agriculture and markets law, the environmental conservation law, the workers' compensation law, the parks, recreation and historic preservation law and the navigation law, in relation to town, village and justice courts; and to repeal certain provisions of the uniform justice court act and the general municipal law relating to jury terms and jurors (Part D)

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "justice court efficiency and modernization act".  
3     S 2. This act enacts into law major components of legislation relating  
4     to the "justice court efficiency and modernization act". Each component  
5     of this act is wholly contained within a Part identified as Parts A  
6     through D. The effective date for each particular provision contained  
7     within such Part is set forth in the last section of such Part. Any  
8     provision in any section contained within a Part, including the effective  
9     date of the Part, which makes reference to a section "of this act",  
10    when used in connection with that particular component, shall be deemed  
11    to mean and refer to the corresponding section of the Part in which it  
12    is found.     Section five of this act sets forth the general effective  
13    date of this act.

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

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1 S 3. Declaration of legislative findings. The legislature declares  
2 that the town and village justice courts are a backbone of the state  
3 civil and criminal justice systems and are indispensable to ensuring  
4 proximate access to justice across the state. The legislature therefore  
5 reaffirms New York state's three-century commitment to local adjudi-  
6 cations and a vibrant justice court system. The legislature finds,  
7 however, that many town and village justice courts are not structured,  
8 funded, equipped or secured to meet modern standards for the safe and  
9 cost-effective administration of justice, and that necessary improve-  
10 ments to the justice court system cannot timely or efficiently be  
11 achieved given the proliferation and independent administration of indi-  
12 vidual courts in each of over 1,250 towns and villages statewide. The  
13 legislature further finds that this fragmentation increases the cost and  
14 decreases the effectiveness of many instrumentalities of state and coun-  
15 ty government interacting with these courts, including prosecutors,  
16 defenders, county probation departments and law enforcement agencies,  
17 the office of the state comptroller and numerous executive-branch agen-  
18 cies. To properly balance the public interest in proximate access to  
19 justice against the pressing need for systemic reform, it is the intent  
20 of the legislature to strengthen the justice court system, create a  
21 process for the limited sharing of justice courts and better support the  
22 vital roles that local governments help perform in their operation and  
23 administration.

24

## PART A

25 Section 1. Article 22 of the uniform justice court act is REPEALED and  
26 a new article 22 is added to read as follows:

## ARTICLE 22

## SHARING OF JUSTICE COURTS

29 SECTION 2201. LOCAL JUSTICE REFORM COMMISSIONS.

30 2202. COMBINATION PLANS.

31 2203. COMMISSION PROCEDURE.

32 2204. TRANSITION PROVISIONS.

33 2205. CONSTRUCTION.

34 S 2201. LOCAL JUSTICE REFORM COMMISSIONS.

35 (A) THERE IS HEREBY ESTABLISHED IN EACH COUNTY WITH POPULATIONS LESS  
36 THAN ONE MILLION AND HAVING TOWN COURTS ON THE EFFECTIVE DATE OF THIS  
37 ARTICLE A LOCAL JUSTICE REFORM COMMISSION TO IMPROVE THE EFFICIENCY AND  
38 EFFECTIVENESS OF THE JUSTICE COURT SYSTEM IN SUCH COUNTY. IN ACCORDANCE  
39 WITH THE PROVISIONS OF THIS ARTICLE, EACH COMMISSION SHALL:

40 1. EXAMINE AND EVALUATE THE FACILITIES, OPERATIONS AND COST-EFFECTIVE-  
41 NESS OF PROPERLY MAINTAINING EACH AND ALL OF THE TOWN AND VILLAGE COURTS  
42 IN SUCH COUNTY;

43 2. DETERMINE, BASED ON THE CRITERIA SPECIFIED IN SUBDIVISION (B) OF  
44 SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, WHICH LOCALITIES IN SUCH  
45 COUNTY SHOULD SHARE THE SERVICES OF A SINGLE JUSTICE COURT; AND

46 3. EXAMINE, EVALUATE AND MAKE RECOMMENDATIONS WITH REGARD TO THE  
47 PROVISION OF PROSECUTION, PUBLIC DEFENSE, PROBATION, PRISONER DETENTION  
48 AND TRANSPORT, AND OTHER COUNTY AND LOCAL SERVICES AFFECTING THE  
49 COST-EFFECTIVE ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH  
50 COUNTY.

51 (B) EACH COMMISSION SHALL CONSIST OF NINE VOTING MEMBERS AND THREE EX  
52 OFFICIO MEMBERS AS FOLLOWS:

53 1. THE VOTING MEMBERS OF THE COMMISSION SHALL BE:

1 (I) THE COUNTY EXECUTIVE, PROVIDED THAT IF THERE BE NO ELECTIVE COUNTY  
2 EXECUTIVE, THEN THE COUNTY MANAGER OR, IF THERE BE NO COUNTY MANAGER,  
3 THEN THE CHIEF FISCAL OFFICER OF THE COUNTY OR OTHERWISE AS THE COUNTY  
4 LEGISLATURE MAY PROVIDE;

5 (II) THE CHAIR OF THE COUNTY LEGISLATURE;

6 (III) THE MINORITY LEADER OF THE COUNTY LEGISLATURE, PROVIDED THAT IF  
7 THERE BE NO MINORITY PARTY MEMBER OF THE COUNTY LEGISLATURE, THEN A  
8 SECOND MEMBER OF THE COUNTY LEGISLATURE DESIGNATED THEREBY;

9 (IV) A TOWN JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES ASSO-  
10 CIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGISTRATES  
11 ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY  
12 THE NEW YORK STATE MAGISTRATES ASSOCIATION;

13 (V) A VILLAGE JUSTICE IN THE COUNTY, DESIGNATED BY THE MAGISTRATES  
14 ASSOCIATION FOR SUCH COUNTY, PROVIDED THAT IF THERE BE NO SUCH MAGIS-  
15 TRATES ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT,  
16 THEN BY THE NEW YORK STATE MAGISTRATES ASSOCIATION, AND PROVIDED FURTHER  
17 THAT IF THERE BE NO VILLAGE JUSTICE IN THE COUNTY, THEN A SECOND TOWN  
18 JUSTICE IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY SUBPARAGRAPH  
19 (IV) OF THIS PARAGRAPH;

20 (VI) A TOWN SUPERVISOR IN THE COUNTY, DESIGNATED BY THE COUNTY MUNICI-  
21 PAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL ASSOCI-  
22 ATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY THE NEW  
23 YORK STATE ASSOCIATION OF TOWNS;

24 (VII) A MAYOR OF A VILLAGE FOR WHICH THERE IS ESTABLISHED A JUSTICE  
25 COURT ON THE EFFECTIVE DATE OF THIS ARTICLE, DESIGNATED BY THE COUNTY  
26 MUNICIPAL ASSOCIATION, PROVIDED THAT IF THERE BE NO COUNTY MUNICIPAL  
27 ASSOCIATION OR IT SHALL FAIL TO TIMELY MAKE SUCH APPOINTMENT, THEN BY  
28 THE NEW YORK CONFERENCE OF MAYORS AND MUNICIPAL OFFICIALS, AND PROVIDED  
29 FURTHER THAT IF THERE BE NO SUCH VILLAGE IN THE COUNTY, THEN A SECOND  
30 TOWN SUPERVISOR IN THE COUNTY DESIGNATED IN THE MANNER SPECIFIED BY  
31 SUBPARAGRAPH (VI) OF THIS PARAGRAPH; AND

32 (VIII) TWO ATTORNEYS ADMITTED TO PRACTICE IN THIS STATE RESIDENT OR  
33 WITH A PRINCIPAL PLACE OF BUSINESS IN SUCH COUNTY, DESIGNATED BY A BAR  
34 ASSOCIATION FOR SUCH COUNTY SELECTED BY THE ADMINISTRATIVE JUDGE OF THE  
35 JUDICIAL DISTRICT IN WHICH THE COUNTY IS LOCATED, PROVIDED THAT ONE SUCH  
36 ATTORNEY SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDI-  
37 DATE FOR GOVERNOR IN THE IMMEDIATELY PRECEDING GUBERNATORIAL ELECTION  
38 RECEIVED THE HIGHEST NUMBER OF VOTES IN THE STATE, AND ONE SUCH ATTORNEY  
39 SHALL BE AN ENROLLED MEMBER OF THE POLITICAL PARTY WHOSE CANDIDATE FOR  
40 GOVERNOR IN SUCH ELECTION RECEIVED THE SECOND HIGHEST NUMBER OF VOTES IN  
41 THE STATE.

42 2. THE THREE EX OFFICIO MEMBERS OF THE COMMISSION SHALL INCLUDE:

43 (I) THE ADMINISTRATIVE JUDGE OF THE JUDICIAL DISTRICT IN WHICH THE  
44 COUNTY IS LOCATED, WHO SHALL COORDINATE EACH COMMISSION ESTABLISHED FOR  
45 A COUNTY WITHIN SUCH JUDICIAL DISTRICT AND PROMOTE THE TIMELY AND  
46 CONSISTENT APPLICATION OF THIS ARTICLE AMONG SUCH COMMISSIONS;

47 (II) THE DISTRICT ATTORNEY OF THE COUNTY; AND

48 (III) THE PUBLIC DEFENDER OF THE COUNTY, PROVIDED THAT IF THERE BE NO  
49 PUBLIC DEFENDER IN THE COUNTY, THEN ANOTHER PERSON DESIGNATED BY THE NEW  
50 YORK STATE DEFENDERS ASSOCIATION PRIMARILY RESPONSIBLE FOR THE PROVISION  
51 OR COORDINATION OF INDIGENT CRIMINAL DEFENSE SERVICES IN SUCH COUNTY  
52 PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

53 (C) APPOINTMENTS SHALL BE MADE NOT LATER THAN THIRTY DAYS AFTER THE  
54 EFFECTIVE DATE OF THIS ARTICLE. VACANCIES SHALL BE FILLED IN THE SAME  
55 MANNER AS AN ORIGINAL APPOINTMENT.

1 (D) EACH COMMISSION SHALL HAVE THE POWERS OF A LEGISLATIVE COMMITTEE  
2 PURSUANT TO THE LEGISLATIVE LAW.

3 (E) FOR EACH COMMISSION, A MAJORITY OF ALL THE VOTING MEMBERS THEREOF  
4 SHALL CONSTITUTE A QUORUM AND SHALL BE NECESSARY TO A DECISION.

5 (F) COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR  
6 SERVICES BUT SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES INCURRED IN  
7 THE PERFORMANCE OF THEIR DUTIES HEREUNDER. SUCH EXPENSES SHALL BE CHARG-  
8 ES AGAINST THE COUNTY SUBJECT TO REIMBURSEMENT BY THE OFFICE OF COURT  
9 ADMINISTRATION PURSUANT TO SUCH RULES AS THE CHIEF ADMINISTRATOR OF THE  
10 COURTS MAY PROVIDE.

11 (G) NO COMMISSION MEMBER SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER  
12 PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE  
13 OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT PURSUANT TO THIS  
14 SECTION, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL  
15 LAW, REGULATION, RULE, ORDINANCE OR CHARTER.

16 (H) TO THE MAXIMUM EXTENT FEASIBLE, EACH COMMISSION MAY REQUEST AND  
17 RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES,  
18 RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU,  
19 COMMISSION, AGENCY OR AUTHORITY OF THE STATE OR ANY POLITICAL SUBDIVI-  
20 SION THEREOF AS SUCH COMMISSION REASONABLY MAY REQUEST TO PROPERLY CARRY  
21 OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER,  
22 THAT NOTHING HEREIN SHALL AUTHORIZE A COMMISSION TO REQUEST OR A COURT  
23 TO RELEASE SEALED RECORDS OR OTHER DATA RENDERED CONFIDENTIAL BY LAW.

24 (I) UPON COMPLETION OF ITS DUTIES HEREUNDER, EACH COMMISSION SHALL BE  
25 DEEMED DISSOLVED.

26 S 2202. COMBINATION PLANS.

27 (A) DRAFT AND FINAL PLANS; CONSULTATION. IN ACCORDANCE WITH THIS ARTI-  
28 CLE, EACH COMMISSION SHALL ISSUE A DRAFT COMBINATION PLAN AND FINAL  
29 COMBINATION PLAN TO EFFECTUATE THE LIMITED SHARING OF JUSTICE COURTS IN  
30 THE COUNTY. IN THE DEVELOPMENT OF SUCH PLANS, THE COMMISSION SHALL  
31 CONSULT WITH THE TOWN AND VILLAGE JUSTICES, NON-JUDICIAL STAFF OF THE  
32 JUSTICE COURTS, TOWN AND VILLAGE BOARDS, LAW ENFORCEMENT AGENCIES,  
33 PROSECUTORS, PUBLIC DEFENSE PROVIDERS AND OTHER PERSONS RELEVANT TO THE  
34 ADMINISTRATION OF JUSTICE IN THE JUSTICE COURTS OF SUCH COUNTY.

35 (B) REVIEW FACTORS. FOR EACH AND ALL OF THE JUSTICE COURTS IN SUCH  
36 COUNTY, THE COMMISSION SHALL CONSIDER CASELOADS AND DOCKET TRENDS, COURT  
37 FACILITIES AND SECURITY, CASE-GENERATING FEATURES, AVAILABILITY OF  
38 DETENTION FACILITIES, DISTRIBUTION OF PROSECUTION AND DEFENSE SERVICES,  
39 DISTRIBUTION OF LAW ENFORCEMENT PERSONNEL, AND SUCH OTHER CRITERIA RELE-  
40 VANT TO THE COST-EFFECTIVE OPERATION OF THE JUSTICE COURTS AND ADMINIS-  
41 TRATION OF JUSTICE IN SUCH COUNTY AS THE COMMISSION MAY DETERMINE.

42 (C) STANDARDS FOR COMBINATION PLANS. EACH COMBINATION PLAN SHALL  
43 PROVIDE FOR THE LIMITED SHARING OF JUSTICE COURTS IN THE COUNTY. UNDER  
44 EACH COMBINATION PLAN:

45 1. EACH MUNICIPALITY FOR WHICH A JUSTICE COURT IS ESTABLISHED ON THE  
46 EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE SERVED BY A JUSTICE  
47 COURT IN SUCH COUNTY, WHETHER PRESIDING SOLELY FOR SUCH MUNICIPALITY OR  
48 PRESIDING FOR MULTIPLE MUNICIPALITIES;

49 2. WHERE SUCH PLAN PROVIDES THAT A JUSTICE COURT LOCATED IN ONE MUNI-  
50 CIPALITY WILL PRESIDE FOR ONE OR MORE OTHER MUNICIPALITIES, EACH SUCH  
51 OTHER MUNICIPALITY SHALL BE PROXIMATE TO THE MUNICIPALITY IN WHICH SUCH  
52 JUSTICE COURT IS TO BE LOCATED, AND ALL OF THE MUNICIPALITIES FOR WHICH  
53 SUCH COURT WILL PRESIDE SHALL FORM A CONTIGUOUS GEOGRAPHIC UNIT; AND

54 3. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (E) OF THIS SECTION,  
55 THE TOTAL NUMBER OF JUSTICE COURTS IN SUCH COUNTY SHALL FALL WITHIN THE

1 FOLLOWING RANGES OF PERCENTAGES OF THE NUMBER OF JUSTICE COURTS ESTAB-  
2 LISHED IN SUCH COUNTY ON THE EFFECTIVE DATE OF THIS ARTICLE:

3 (I) IN EACH COUNTY WITH POPULATION GREATER THAN TWO HUNDRED FIFTY  
4 THOUSAND AND LESS THAN ONE MILLION, AND IN EACH OF THE COUNTIES OF  
5 PUTNAM AND SCHENECTADY, NO MORE THAN NINETY PERCENT AND NO LESS THAN  
6 SEVENTY PERCENT OF SUCH NUMBER;

7 (II) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION GREATER  
8 THAN ONE HUNDRED FIFTY THOUSAND AND EQUAL TO OR LESS THAN TWO HUNDRED  
9 FIFTY THOUSAND, NO MORE THAN EIGHTY PERCENT AND NO LESS THAN SIXTY  
10 PERCENT OF SUCH NUMBER; AND

11 (III) IN EACH COUNTY NOT OTHERWISE SPECIFIED WITH POPULATION EQUAL TO  
12 OR LESS THAN ONE HUNDRED FIFTY THOUSAND, NO MORE THAN SEVENTY PERCENT  
13 AND NO LESS THAN FIFTY PERCENT OF SUCH NUMBER.

14 THE CHIEF ADMINISTRATOR SHALL PROMULGATE A SCHEDULE SETTING FORTH THE  
15 MINIMUM AND MAXIMUM NUMBER OF JUSTICE COURTS SPECIFIED IN THIS PARAGRAPH  
16 FOR EACH COUNTY ACCORDING TO THE POPULATION THEREOF AS MEASURED IN THE  
17 MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION. IN PROMULGATING  
18 SUCH SCHEDULE, THE CHIEF ADMINISTRATOR SHALL ROUND DOWN TO THE NEAREST  
19 WHOLE NUMBER OF COURTS ANY FRACTIONAL NUMBER OF COURTS ARISING FROM THE  
20 FOREGOING FORMULA.

21 (D) ADDITIONAL CONTENT OF COMBINATION PLANS. EACH COMBINATION PLAN  
22 ALSO SHALL SPECIFY:

23 1. THE COURT FACILITY IN WHICH EACH SHARED JUSTICE COURT WILL CONVENE;

24 2. THE MANNER IN WHICH JUSTICES WILL SHARE RESPONSIBILITIES FOR  
25 ARRAIGNMENTS, WARRANT APPLICATIONS, EMERGENCY PROCEEDINGS AND OTHER  
26 OFF-HOUR RESPONSIBILITIES;

27 3. THE MANNER IN WHICH JUSTICE COURTS AND LOCAL LAW ENFORCEMENT AGEN-  
28 CIES WILL PROVIDE FOR THE PRE-ARRAIGNMENT DETENTION OF CRIMINAL DEFEND-  
29 ANTS; AND

30 4. SUCH OTHER MATTERS AS THE CHIEF ADMINISTRATOR MAY BY RULE DIRECT TO  
31 ENSURE THAT THE IMPLEMENTATION OF COMBINATION PLANS WILL PROMOTE THE  
32 ADMINISTRATION OF JUSTICE.

33 (E) EXEMPTION DETERMINATIONS. NOTWITHSTANDING ANY CONTRARY PROVISION  
34 OF THIS SECTION, AS PART OF OR IN LIEU OF A COMBINATION PLAN, A COMMIS-  
35 SION MAY DETERMINE THAT THERE SHOULD BE LESSER SHARING OF JUSTICE COURTS  
36 THAN SPECIFIED FOR SUCH COUNTY IN SUBDIVISION (C) OF THIS SECTION, OR NO  
37 SUCH SHARING, IF THE COMMISSION FINDS THAT SUCH DETERMINATION WOULD NOT:

38 (I) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE  
39 FACILITIES, SECURITY AND OPERATION OF ALL JUSTICE COURTS IN SUCH COUNTY  
40 ARE SAFE, SUITABLE AND SUFFICIENT FOR THE TRANSACTION OF COURT BUSINESS  
41 THEREIN;

42 (II) DELAY OR DIMINISH THE COST-EFFECTIVENESS OF ENSURING THAT THE  
43 AVAILABILITY OF RESOURCES FOR PROSECUTION, PUBLIC DEFENSE, DETAINEE  
44 TRANSPORT AND OTHER SERVICES IN AND FOR ALL JUSTICE COURTS IN SUCH COUN-  
45 TY ARE SUFFICIENT TO PROMOTE THE ADMINISTRATION OF JUSTICE IN SUCH COUN-  
46 TY; OR

47 (III) CAUSE OR CONTINUE UNNECESSARY OR INEFFICIENT DUPLICATION OF  
48 SERVICES.

49 S 2203. COMMISSION PROCEDURE.

50 (A) DRAFT COMBINATION PLANS. NOT LATER THAN ONE YEAR AFTER THE EFFEC-  
51 TIVE DATE OF THIS ARTICLE, EACH COMMISSION SHALL SUBMIT TO THE CHIEF  
52 ADMINISTRATOR OF THE COURTS, COUNTY EXECUTIVE OR COUNTY MANAGER AND  
53 COUNTY LEGISLATURE A DRAFT COMBINATION PLAN COMPLYING WITH SECTION TWEN-  
54 TY-TWO HUNDRED TWO OF THIS ARTICLE. SUCH SUBMISSION SHALL INCLUDE THE  
55 LOCATION AND TIME OF EACH PUBLIC HEARING TO BE HELD THEREON PURSUANT TO  
56 SUBDIVISION (B) OF THIS SECTION. IN ADVANCE OF SUCH HEARING OR HEARINGS,

1 THE COMMISSION SHALL PUBLICIZE SUCH DRAFT PLAN TO POTENTIALLY INTERESTED  
2 MEMBERS OF THE PUBLIC TO THE EXTENT REASONABLY PRACTICABLE.

3 (B) PUBLIC HEARINGS. NOT SOONER THAN THIRTY DAYS AND NOT LATER THAN  
4 SIXTY DAYS AFTER THE SUBMISSION OF SUCH DRAFT COMBINATION PLAN, THE  
5 COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS WITHIN THE COUNTY AND  
6 ENSURE THAT INTERESTED MEMBERS OF THE PUBLIC HAVE A REASONABLE OPPORTU-  
7 NITY TO BE HEARD THEREON.

8 (C) FINAL PLANS. NOT LATER THAN SIXTY DAYS AFTER THE LAST OF SUCH  
9 PUBLIC HEARINGS, THE COMMISSION SHALL SUBMIT TO THE CHIEF ADMINISTRATOR,  
10 COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A FINAL COMBINATION  
11 PLAN COMPLYING WITH SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE.

12 (D) TECHNICAL REVIEW. NOT LATER THAN SIXTY DAYS AFTER SUBMISSION OF  
13 SUCH FINAL COMBINATION PLAN, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO  
14 THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A  
15 CERTIFICATE DETERMINING EITHER THAT SUCH PLAN COMPLIES WITH SECTION  
16 TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, OR THAT SUCH PLAN FAILS TO  
17 COMPLY AND SETTING FORTH THE TECHNICAL DEFECTS THEREOF. IF THE CHIEF  
18 ADMINISTRATOR SHALL TRANSMIT A NONCOMPLIANCE CERTIFICATE, THEN NOT LATER  
19 THAN THIRTY DAYS THEREAFTER, THE COMMISSION SHALL AMEND SUCH NONCOMPLY-  
20 ING PLAN TO CORRECT SUCH DEFECTS AND OTHERWISE COMPLY WITH SUCH SECTION  
21 AND SHALL SUBMIT SUCH AMENDED PLAN TO THE CHIEF ADMINISTRATOR. NOT LATER  
22 THAN THIRTY DAY THEREAFTER, THE CHIEF ADMINISTRATOR SHALL TRANSMIT TO  
23 THE COMMISSION, COUNTY EXECUTIVE OR MANAGER AND COUNTY LEGISLATURE A  
24 CERTIFICATE DETERMINING EITHER THAT SUCH AMENDED PLAN COMPLIES WITH SUCH  
25 SECTION, OR THAT SUCH AMENDED PLAN AGAIN FAILS TO COMPLY AND SETTING  
26 FORTH THE DEFECTS THEREOF, IN WHICH LATTER INSTANCE THE DEFAULT  
27 PROVISIONS OF SUBDIVISION (F) OF THIS SECTION SHALL GOVERN.

28 (E) ENACTMENT AND SUBSTITUTION OF COMBINATION PLANS. FOR A COMBINATION  
29 PLAN FOR WHICH THE CHIEF ADMINISTRATOR TRANSMITS TO THE COUNTY LEGISLA-  
30 TURE A COMPLIANCE CERTIFICATE PURSUANT TO SUBDIVISION (D) OF THIS  
31 SECTION:

32 1. IF THE COMMISSION HAS NOT MADE AN EXEMPTION DETERMINATION PURSUANT  
33 TO SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE,  
34 THEN SUCH COMBINATION PLAN AUTOMATICALLY SHALL HAVE FORCE OF LAW SIXTY  
35 DAYS AFTER SUCH TRANSMITTAL UNLESS SUCH COUNTY LEGISLATURE, BY  
36 TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL ENACT BY LOCAL  
37 LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE PROVISIONS OF SUCH  
38 SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL ENACT SUCH A LOCAL  
39 LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTIFY THAT SUCH SUBSTI-  
40 TUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS OF SUCH SECTION.

41 2. IF THE COMMISSION HAS MADE AN EXEMPTION DETERMINATION PURSUANT TO  
42 SUBDIVISION (E) OF SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE, THEN  
43 SUCH COMBINATION PLAN, OR THE DETERMINATION THAT THERE SHOULD BE NO  
44 SHARING OF JUSTICE COURTS IN SUCH COUNTY HEREUNDER, SHALL HAVE FORCE OF  
45 LAW SIXTY DAYS AFTER SUCH TRANSMITTAL ONLY IF THE COUNTY LEGISLATURE, BY  
46 TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL RATIFY THE SAME  
47 BY LOCAL LAW. IN THE ALTERNATIVE, SUCH COUNTY LEGISLATURE MAY SOONER  
48 ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE  
49 PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL  
50 ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTRATOR FIRST SHALL CERTI-  
51 FY THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE  
52 PROVISIONS OF SUCH SECTION. IF THE COUNTY LEGISLATURE SHALL NEITHER  
53 RATIFY SUCH EXEMPTION DETERMINATION NOR ENACT A SUBSTITUTE COMBINATION  
54 PLAN PURSUANT TO THIS PARAGRAPH, THEN THE DEFAULT PROVISIONS OF SUBDIVI-  
55 SION (F) OF THIS SECTION SHALL GOVERN.

1 (F) DEFAULT PROCEDURE. IF A COMMISSION SHALL FAIL TO SUBMIT A FINAL  
2 COMBINATION PLAN OR AMEND A NONCOMPLYING PLAN CERTIFIED TO COMPLY WITH  
3 SECTION TWENTY-TWO HUNDRED TWO OF THIS ARTICLE BY THE DATE SPECIFIED  
4 THEREFOR IN SUBDIVISION (D) OF THIS SECTION, OR IF THE COUNTY LEGISLA-  
5 TURE SHALL FAIL TO RATIFY A COMBINATION PLAN OR ENACT A SUBSTITUTE PLAN  
6 BY THE DATE SPECIFIED THEREFOR IN PARAGRAPH TWO OF SUBDIVISION (E) OF  
7 THIS SECTION, THEN NOT LATER THAN THIRTY DAYS AFTER SUCH DATE, THE CHIEF  
8 ADMINISTRATOR SHALL PROMULGATE A FINAL COMBINATION PLAN FOR THE JUSTICE  
9 COURTS OF SUCH COUNTY CONSISTENT WITH SECTION TWENTY-TWO HUNDRED TWO OF  
10 THIS ARTICLE AND SHALL TRANSMIT THE SAME TO THE COUNTY EXECUTIVE OR  
11 MANAGER AND COUNTY LEGISLATURE. SUCH FINAL COMBINATION PLAN AUTOMAT-  
12 ICALLY SHALL HAVE FORCE OF LAW SIXTY DAYS THEREAFTER UNLESS SUCH COUNTY  
13 LEGISLATURE, BY TWO-THIRDS VOTE OF ALL THE MEMBERS THEREOF, SOONER SHALL  
14 ENACT BY LOCAL LAW A SUBSTITUTE COMBINATION PLAN COMPLYING WITH THE  
15 PROVISIONS OF SUCH SECTION; PROVIDED THAT NO COUNTY LEGISLATURE SHALL  
16 ENACT SUCH A LOCAL LAW UNLESS THE CHIEF ADMINISTER FIRST SHALL CERTIFY  
17 THAT SUCH SUBSTITUTE PLAN, IF ENACTED, WOULD COMPLY WITH THE PROVISIONS  
18 OF SUCH SECTION.

19 (G) EFFECTIVE DATE OF COMBINATION PLANS. THE COMBINATION PLAN FOR THE  
20 JUSTICE COURTS IN EACH COUNTY SHALL TAKE EFFECT ON THE FIRST DAY OF  
21 JANUARY IN THE SECOND YEAR NEXT SUCCEEDING THE DATE ON WHICH SUCH PLAN  
22 SHALL HAVE FORCE OF LAW PURSUANT TO SUBDIVISION (E) OR (F) OF THIS  
23 SECTION.

24 S 2204. TRANSITION PROVISIONS.

25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON AND AFTER THE EFFECTIVE  
26 DATE OF A COMBINATION PLAN PURSUANT TO SUBDIVISION (G) OF SECTION TWEN-  
27 TY-TWO HUNDRED THREE OF THIS ARTICLE:

28 (A) EACH JUSTICE COURT DESIGNATED IN SUCH PLAN TO ASSUME THE JURISDIC-  
29 TION OF ONE OR MORE TOWN OR VILLAGE COURTS SHALL, ON SUCH DATE, BE  
30 DEEMED TO HAVE THE JURISDICTION OF EACH OF SUCH OTHER COURTS.

31 (B) EACH OFFICE OF TOWN JUSTICE AND VILLAGE JUSTICE SHALL, ON SUCH  
32 DATE, ALSO BECOME AN OFFICE OF JUSTICE OF THE JUSTICE COURT DESIGNATED  
33 IN SUCH PLAN TO PRESIDE FOR SUCH TOWN OR VILLAGE, CONTINUING IN SUCH  
34 TERM OF OFFICE AS THERETOFORE PROVIDED BY LAW, AND SHALL HAVE JURISDIC-  
35 TION FOR EACH MUNICIPALITY FOR WHICH SUCH JUSTICE COURT EXERCISES JURIS-  
36 DICTION TO THE SAME EXTENT AND EFFECT AS IF SUCH JUSTICE WERE SELECTED  
37 IN AND FOR EACH SUCH MUNICIPALITY.

38 (C) EACH ACTION AND PROCEEDING PENDING IN A TOWN OR VILLAGE COURT  
39 WHOSE JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN  
40 SHALL, ON SUCH DATE, BE DEEMED PENDING IN SUCH OTHER JUSTICE COURT, AND  
41 THE RULES OF PROCEDURE GOVERNING EACH SUCH ACTION OR PROCEEDING BEFORE  
42 SUCH DATE SHALL CONTINUE TO APPLY ON AND AFTER SUCH DATE.

43 (D) THE NON-JUDICIAL PERSONNEL OF EACH TOWN OR VILLAGE COURT WHOSE  
44 JURISDICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL,  
45 ON SUCH DATE, BE DEEMED TO BE THE NON-JUDICIAL PERSONNEL OF SUCH OTHER  
46 JUSTICE COURT; PROVIDED THAT IF SUCH PERSONNEL PERFORM FUNCTIONS BOTH  
47 FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL OFFICES ON THE  
48 DAY IMMEDIATELY PRECEDING SUCH DATE AND THEREAFTER CONTINUE TO PERFORM  
49 FUNCTIONS BOTH FOR A JUSTICE COURT AND FOR ONE OR MORE OTHER MUNICIPAL  
50 OFFICES, THEN SUCH PERSONNEL SHALL BE DEEMED TO BE THE PERSONNEL OF SUCH  
51 OTHER JUSTICE COURT ONLY FOR SUCH PORTION OF THEIR EMPLOYMENT AS RELATES  
52 TO JUDICIAL BUSINESS.

53 (E) THE PAPERS AND EFFECTS OF EACH TOWN OR VILLAGE COURT WHOSE JURIS-  
54 DICTION ANOTHER JUSTICE COURT ASSUMES PURSUANT TO SUCH PLAN SHALL, ON  
55 SUCH DATE, BE DEEMED TO BE THE PAPERS AND EFFECTS OF SUCH OTHER JUSTICE  
56 COURT AND PROMPTLY SHALL BE TRANSFERRED TO THE POSSESSION OF SUCH OTHER

1 JUSTICE COURT OR OTHERWISE AS MAY BE PROVIDED BY THE CHIEF ADMINISTRATOR  
2 OF THE COURTS, AND THE SEAL OF SUCH OTHER JUSTICE COURT SHALL BE AMENDED  
3 ACCORDINGLY.

4 S 2205. CONSTRUCTION.

5 NOTHING IN THIS ARTICLE AND NO COMBINATION PLAN HEREUNDER SHALL BE  
6 CONSTRUED TO:

7 (A) DISCONTINUE A TOWN COURT WITHIN THE MEANING OF SUBDIVISION B OF  
8 SECTION SEVENTEEN OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

9 (B) ESTABLISH A DISTRICT COURT WITHIN THE MEANING OF SECTION SIXTEEN  
10 OF ARTICLE SIX OF THE NEW YORK STATE CONSTITUTION;

11 (C) ESTABLISH OR ABOLISH ANY JUDICIAL OFFICE, ALTER THE TERM OF OFFICE  
12 OF ANY JUSTICE OR ALTER THE MANNER OF SELECTION FOR ANY JUDICIAL OFFICE;  
13 OR

14 (D) IMPAIR THE RIGHTS OF ANY NON-JUDICIAL EMPLOYEE SERVING ANY TOWN OR  
15 VILLAGE COURT ON ACCOUNT OF ANOTHER JUSTICE COURT ASSUMING THE JURISDIC-  
16 TION THEREOF.

17 S 2. This act shall take effect on the thirtieth day after it shall  
18 have become a law; provided, however, that the chief administrator of  
19 the courts is authorized to immediately promulgate rules and regulations  
20 to effectuate the provisions of this act.

21 PART B

22 Section 1. The uniform justice court act is amended by adding a new  
23 article 22-A to read as follows:

24 ARTICLE 22-A

25 JUSTICE COURT ADMINISTRATION

26 SECTION 2206. FUNDING AND COST APPORTIONMENT.

27 2207. BUDGETING SYSTEM.

28 2208. FINANCIAL MANAGEMENT.

29 2209. ADJUSTMENTS TO JUDICIAL OFFICES.

30 2210. NON-JUDICIAL STAFF.

31 S 2206. FUNDING AND COST APPORTIONMENT.

32 IN ACCORDANCE WITH THIS ARTICLE AND SUBJECT TO STATE SUPPORT OR  
33 REIMBURSEMENT PURSUANT TO LAW, THE GOVERNING BOARD OF EACH MUNICIPALITY  
34 FOR WHICH A JUSTICE COURT IS ESTABLISHED SHALL ENACT AND FUND AN ANNUAL  
35 BUDGET FOR SUCH COURT AND APPROPRIATE TO OR EXPEND ON BEHALF OF SUCH  
36 COURT SUCH MONEYS AS REASONABLY SUFFICIENT FOR THE COURT TO ADEQUATELY  
37 PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.  
38 THE COSTS OF OPERATING A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES  
39 PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS  
40 CHAPTER, EXCEPT AS THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY MAY  
41 PROVIDE BY JOINT RESOLUTION, SHALL BE CHARGES AGAINST EACH SUCH MUNICI-  
42 PALITY IN PROPORTION TO THE RESPECTIVE POPULATIONS THEREOF AS OF THE  
43 MOST RECENT FEDERAL DECENNIAL CENSUS OR ENUMERATION, WHICH PROPORTIONS  
44 THE STATE COMPTROLLER SHALL CALCULATE AND AS NEEDED REVISE. THIS ARTICLE  
45 SHALL NOT BE CONSTRUED TO IMPOSE ANY OBLIGATION ON OR OTHERWISE APPLY TO  
46 ANY TOWN OR VILLAGE FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE  
47 EFFECTIVE DATE OF THIS ARTICLE.

48 S 2207. BUDGETING SYSTEM.

49 (A) THE BUDGETING SYSTEM OF EVERY TOWN PURSUANT TO ARTICLE EIGHT OF  
50 THE TOWN LAW AND EVERY VILLAGE PURSUANT TO ARTICLE FIVE OF THE VILLAGE  
51 LAW SHALL INCLUDE THE BUDGET FOR THE JUSTICE COURT HAVING JURISDICTION  
52 FOR SUCH TOWN OR VILLAGE.

53 (B) THE FISCAL YEAR FOR EACH JUSTICE COURT SHALL BE THE FISCAL YEAR  
54 SPECIFIED IN ARTICLE EIGHT OF THE TOWN LAW, EXCEPT THAT THE FISCAL YEAR



1 FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY SHALL BE  
2 THE FISCAL YEAR SPECIFIED IN ARTICLE FIVE OF THE VILLAGE LAW.

3 (C) EACH JUSTICE COURT, BY THE JUSTICES THEREOF OR THE COURT CLERK ON  
4 BEHALF OF SUCH JUSTICES, SHALL PREPARE ITS PRELIMINARY BUDGET FOR THE  
5 NEXT FISCAL YEAR IN CONSULTATION WITH THE SUPERVISOR OF THE TOWN OR  
6 MAYOR OF THE VILLAGE FOR WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A  
7 JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE  
8 HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, IN CONSULTATION  
9 WITH THE SUPERVISOR OR MAYOR OF EACH SUCH MUNICIPALITY. IN THE PREPARA-  
10 TION OF SUCH PRELIMINARY BUDGET, THE JUSTICE COURT SHALL BE ENTITLED TO  
11 RECEIVE SUCH TIMELY ASSISTANCE FROM APPROPRIATE MUNICIPAL OFFICERS AS  
12 THE COURT REASONABLY MAY REQUEST. EACH JUSTICE COURT SHALL SUBMIT SUCH  
13 PRELIMINARY BUDGET TO THE GOVERNING BOARD OF THE TOWN OR VILLAGE FOR  
14 WHICH SUCH COURT PRESIDES, OR IN THE CASE OF A JUSTICE COURT FOR MULTI-  
15 PLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE  
16 TWENTY-TWO OF THIS CHAPTER, TO THE GOVERNING BOARD OF EACH SUCH MUNICI-  
17 PALITY, BY THE DATE SPECIFIED IN SECTION ONE HUNDRED FOUR OF THE TOWN  
18 LAW OR BY THE DATE SPECIFIED IN SUBDIVISION TWO OF SECTION 5-502 OF THE  
19 VILLAGE LAW FOR A COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES  
20 ONLY. SUCH PRELIMINARY BUDGET SHALL BE REASONABLY SUFFICIENT FOR THE  
21 COURT ADEQUATELY TO PERFORM ITS DUTIES AND ENSURE THE ADMINISTRATION OF  
22 JUSTICE UNDER LAW.

23 (D) THE GOVERNING BOARD OF EACH TOWN OR VILLAGE SHALL ENACT BY LOCAL  
24 LAW A BUDGET FOR SUCH JUSTICE COURT FOR THE NEXT SUCCEEDING FISCAL YEAR  
25 THEREOF BY THE DATE ON WHICH THE BUDGET FOR SUCH TOWN OR VILLAGE IS  
26 REQUIRED TO BE ENACTED. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES  
27 PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS  
28 CHAPTER, THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY SHALL ENACT BY  
29 JOINT RESOLUTION A BUDGET FOR SUCH COURT FOR THE NEXT SUCCEEDING FISCAL  
30 YEAR THEREOF BY THE DATE SPECIFIED IN SECTION ONE HUNDRED NINE OF THE  
31 TOWN LAW FOR THE COUNTY IN WHICH THE COURT IS LOCATED, OR BY THE DATE  
32 SPECIFIED IN SUBDIVISION FOUR OF SECTION 5-508 OF THE VILLAGE LAW FOR A  
33 COURT HAVING JURISDICTION FOR ONE OR MORE VILLAGES ONLY. SUCH BUDGET  
34 SHALL BE REASONABLY SUFFICIENT FOR THE COURT ADEQUATELY TO PERFORM ITS  
35 DUTIES AND ENSURE THE ADMINISTRATION OF JUSTICE UNDER LAW.

36 (E) IF THE GOVERNING BOARD OR BOARDS SHALL FAIL TO ENACT A JUSTICE  
37 COURT BUDGET IN THE MANNER AND BY THE DATE SPECIFIED IN SUBDIVISION (D)  
38 OF THIS SECTION, THEN ON SUCH DATE THE PRELIMINARY BUDGET FOR SUCH COURT  
39 FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF, WITH SUCH AMENDMENTS AS  
40 THERETOFORE SHALL HAVE BEEN MADE BY THE GOVERNING BOARD BY LOCAL LAW OR  
41 BY THE GOVERNING BOARDS BY JOINT RESOLUTION, SHALL BE DEEMED TO CONSTI-  
42 TUTE THE BUDGET FOR SUCH COURT FOR SUCH FISCAL YEAR TO THE SAME EXTENT  
43 AND EFFECT AS IF SUCH PRELIMINARY BUDGET WERE DULY ENACTED, AND THERE-  
44 AFTER SUCH BUDGET MAY BE AMENDED BY LOCAL LAW FOR A JUSTICE COURT FOR A  
45 SINGLE MUNICIPALITY OR BY JOINT RESOLUTION FOR A JUSTICE COURT FOR  
46 MULTIPLE MUNICIPALITIES.

47 (F) EACH TOWN AND VILLAGE AS PART OF ITS BUDGET, AND EACH VILLAGE  
48 SHARING A JUSTICE COURT WITH ONE OR MORE TOWNS PURSUANT TO ARTICLE TWEN-  
49 TY-TWO OF THIS CHAPTER AS PART OF A SUPPLEMENTAL BUDGET OR OTHERWISE,  
50 SHALL ON OR BEFORE THE DATE SPECIFIED IN SUBDIVISION (D) OF THIS SECTION  
51 APPROPRIATE TO OR ON BEHALF OF SUCH COURT SUCH APPORTIONMENT OF FUNDS AS  
52 REQUIRED BY SUBDIVISION (A) OF THIS SECTION FOR THE SUPPORT OF THE COURT  
53 BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR THEREOF. IF A JUSTICE COURT  
54 BUDGET BE AMENDED PURSUANT TO SUBDIVISION (E) OF THIS SECTION, THEN EACH  
55 SUCH MUNICIPALITY SHALL APPROPRIATE FORTHWITH TO OR ON BEHALF OF THE

COURT SUCH APPORTIONMENT OF ADDITIONAL FUNDS REQUIRED HEREUNDER FOR THE SUPPORT OF SUCH AMENDED BUDGET.

S 2208. FINANCIAL MANAGEMENT.

(A) EACH JUSTICE COURT SHALL COMPLY WITH SUCH RULES AND REGULATIONS GOVERNING FINANCIAL RECORDS, RECEIPT OF FUNDS, COURT REMITTANCES TO THE JUSTICE COURT FUND, TRANSFERS OF FUNDS AMONG THE COURT AND EACH MUNICIPALITY FOR WHICH SUCH COURT EXERCISES JURISDICTION, AND SUCH OTHER FISCAL CONTROL MATTERS AS THE STATE COMPTROLLER REASONABLY MAY DIRECT PURSUANT TO SECTION NINETY-NINE-A OF THE STATE FINANCE LAW.

(B) EXCEPT AS THE STATE COMPTROLLER OTHERWISE MAY PROVIDE BY RULE, IN EACH JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, EACH JUSTICE SHALL CAUSE TO BE KEPT A SEPARATE SET OF RECORDS AND DOCKETS FOR EACH SUCH MUNICIPALITY FOR WHICH HE OR SHE EXERCISES JURISDICTION AND A SEPARATE BANK ACCOUNT FOR EACH SUCH MUNICIPALITY FOR THE DEPOSIT OF MONEYS RECEIVED IN THE EXERCISE OF SUCH JURISDICTION.

(C) THE STATE COMPTROLLER SHALL ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

S 2209. ADJUSTMENTS TO JUDICIAL OFFICES.

(A) NOTWITHSTANDING ANY PROVISION OF LAW:

1. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE GOVERNING BOARD THEREOF MAY BY LOCAL LAW ADJUST THE NUMBER OF JUSTICES OF SUCH COURT; PROVIDED THAT EACH SUCH MUNICIPALITY SHALL HAVE AT LEAST ONE JUSTICE AND A MUNICIPALITY HAVING ONLY ONE JUSTICE ALSO SHALL APPOINT AN ACTING JUSTICE.

2. FOR A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THIS CHAPTER, SUCH MUNICIPALITIES MAY, BY JOINT RESOLUTION ENACTED BY THE GOVERNING BOARD OF EACH SUCH MUNICIPALITY, ADJUST THE NUMBER OF JUSTICES OF SUCH COURT AND/OR THE APPORTIONMENT OF JUSTICES SELECTED BY AND AMONG SUCH MUNICIPALITIES; PROVIDED THAT: (I) EACH SUCH TOWN SHALL SELECT AT LEAST ONE JUSTICE; (II) THE TOTAL NUMBER OF JUSTICES ESTABLISHED HEREUNDER FOR SUCH COURT SHALL BE NO LESS THAN THE SUM OF THE NUMBER OF SUCH MUNICIPALITIES AND NO MORE THAN TWICE SUCH SUM; (III) EACH SUCH MUNICIPALITY HAVING LESS THAN TWO JUSTICES SHALL APPOINT AN ACTING JUSTICE; AND (IV) NO VILLAGE FOR WHICH A JUSTICE COURT WAS NOT ESTABLISHED ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL SELECT A JUSTICE OR BE REQUIRED TO ENACT A JOINT RESOLUTION HEREUNDER.

(B) ADJUSTMENT PROCEDURE. 1. EVERY LOCAL LAW OR JOINT RESOLUTION PURSUANT TO THIS SECTION SHALL STATE THE FINDING OF THE GOVERNING BOARD OR BOARDS THAT SUCH ADJUSTMENT WOULD PROMOTE THE TIMELY AND EFFECTIVE DISPOSITION OF MATTERS COMING BEFORE THE COURT.

2. EVERY SUCH PROPOSED LOCAL LAW OR JOINT RESOLUTION SHALL BE SUBMITTED TO THE CHIEF ADMINISTRATOR OF THE COURTS NOT LESS THAN NINETY DAYS BEFORE THE GOVERNING BOARD OR BOARDS SHALL FINALLY ACT THEREON. NO SUCH LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED DURING SUCH NINETY DAYS NOR IF THE CHIEF ADMINISTER SHALL, DURING SUCH PERIOD, TRANSMIT TO THE GOVERNING BOARD OR BOARDS A CERTIFICATE DETERMINING THAT THE ENACTMENT OF SUCH LOCAL LAW OR JOINT RESOLUTION WOULD DISRUPT THE TIMELY DISPOSITION OF MATTERS COMING BEFORE SUCH COURT OR OTHERWISE IMPAIR THE ADMINISTRATION OF JUSTICE. THE GOVERNING BOARD OR BOARDS SHALL SUBMIT TO THE CHIEF ADMINISTRATOR SUCH DATA AS HE OR SHE MAY REQUEST TO EFFECTUATE SUCH DETERMINATION.

3. NO SUCH LOCAL LAW OR JOINT RESOLUTION SHALL BE ENACTED LESS THAN THIRTY DAYS BEFORE THE FIRST DAY FIXED BY THE ELECTION LAW FOR THE NEXT COMMENCEMENT OF CIRCULATION OF NOMINATING PETITIONS FOR SUCH OFFICE.

(C) THE OFFICE OF ANY JUDGESHIP CREATED PURSUANT TO THIS SECTION SHALL FIRST BE FILLED OF A TERM OF FOUR YEARS AT THE NEXT SUCCEEDING ELECTION OF THE TOWN OR VILLAGE THAT SUCH LOCAL LAW OR JOINT RESOLUTION SPECIFIES TO SELECT SUCH NEW JUSTICE. WHERE A JUDGESHIP IS ABOLISHED PURSUANT TO THIS SECTION, THE ABOLISHMENT SHALL TAKE EFFECT ON THE COMPLETION OF THE TERM OF THE JUSTICE THEN SERVING IN SUCH OFFICE OR UPON THE SOONER HAPPENING OF A VACANCY THEREIN.

S 2210. NON-JUDICIAL STAFF.

NOTWITHSTANDING ANY PROVISION OF LAW, EACH JUSTICE COURT SHALL HAVE AT LEAST ONE CLERK AND SUCH OTHER PERSONNEL AS THE BUDGET FOR SUCH COURT SHALL PROVIDE, WHO SHALL BE EMPLOYEES OF THE COURT.

S 2. Paragraph a of subdivision 2 of section 3-301 of the village law, as amended by chapter 555 of the laws of 2006, is amended to read as follows:

a. except as provided in section 3-303 of this article, no more than two village justices, but in the event a village has one justice, it shall also have an acting justice who shall serve when requested by the village justice or in the absence or inability of the village justice to serve. The office of village justice is continued in every village in which it is now established[. The board of trustees of any other village may establish such office by resolution or local law, subject to a permissive referendum. The board of trustees of any village by resolution or local law, subject to permissive referendum, may abolish such office, but to take effect only upon the expiration of the then current term of such office, or establish the office of additional village justices, which justice once elected shall have all the powers and duties of a village justice. The resolution or local law in the latter case shall provide for a term pursuant to section 3-302 of this article. The clerk of the court of a village shall be discharged from employment only upon the advice and consent of the village justice or justices when the clerk, in his or her village duties, works solely for the village justice or justices], EXCEPT AS OTHERWISE PROVIDED BY SECTION TWENTY-TWO HUNDRED NINE OF THE UNIFORM JUSTICE COURT ACT.

S 3. Subdivisions 1 and 4 of section 849-i of the judiciary law, subdivision 1 as added by chapter 280 of the laws of 1999 and subdivision 4 as amended by chapter 127 of the laws of 2007, are amended to read as follows:

1. Each town and village [having] RESPONSIBLE FOR FUNDING a justice court IN WHOLE OR IN PART may make an individual application for funds available pursuant to this article, or two or more such towns or villages, or towns and villages, may make a joint application for such funds, FOR THE SUPPORT OF SUCH COURT. All applications shall be submitted to the chief administrator of the courts for his or her approval.

4. Notwithstanding any other provision of law, the chief administrator shall not approve any application for funding in excess of THE GREATER AMOUNT OF (A) thirty thousand dollars [unless such application is] OR, IN THE CASE OF a joint application, THE PRODUCT OF THIRTY THOUSAND DOLLARS and the [aggregate funding sought thereunder does not exceed an amount equaling the product of the] number of joint applicants [making such application and thirty thousand dollars], AND (B) THIRTY PERCENT OF THE TOTAL AMOUNT BUDGETED FOR THE SUPPORT OF SUCH COURT AND CHARGED TO SUCH MUNICIPALITY OR MUNICIPALITIES FOR THE FISCAL YEAR IN WHICH SUCH FUNDS WOULD BE PAID, NOR APPROVE ANY SUCH APPLICATION FOR THE SUPPORT OF A COURT NOT IN COMPLIANCE WITH RULES AND REGULATIONS GOVERNING THE ADMINISTRATION AND OPERATION THEREOF AS THE CHIEF ADMINISTRATOR MAY PROVIDE UNLESS THE PROVISION OF SUCH FUNDS IS PURSUANT TO A REMEDIAL

1 COMPLIANCE PLAN JOINTLY APPROVED BY THE CHIEF ADMINISTRATOR, THE  
2 JUSTICES OF SUCH COURT AND THE CHIEF EXECUTIVE OFFICER OF EACH MUNICI-  
3 PALITY RESPONSIBLE FOR FUNDING SUCH COURT PURSUANT TO ARTICLE  
4 TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

5 S 4. Subdivision 3 of section 31 of the town law, as separately  
6 amended by chapters 250 and 861 of the laws of 1975 and as renumbered by  
7 chapter 123 of the laws of 1981, is amended to read as follows:

8 3. Notwithstanding any other law, actual and necessary expenses  
9 incurred by a justice or justice elect in attending a course of training  
10 required [of him] before he OR SHE can assume the functions of [his]  
11 office shall be a charge against the town FOR WHICH HE OR SHE IS  
12 SELECTED.

13 S 5. Section 69 of the town law, as added by chapter 544 of the laws  
14 of 1954, is amended to read as follows:

15 S 69. Duties of town board with respect to justice courts. Each [town  
16 board shall provide for each] justice [of the peace] PRESIDING IN A  
17 JUSTICE COURT FOR A TOWN SHALL BE ENTITLED TO HAVE FURNISHED FOR HIS OR  
18 HER USE such statutes, manuals, books, forms and supplies as may be  
19 necessary for the proper administration of his OR HER office. The  
20 expenses incurred in complying with the foregoing provisions shall be a  
21 town charge within the meaning of this chapter EXCEPT AS OTHERWISE  
22 PROVIDED BY ARTICLE TWENTY-TWO-A OF THE UNIFORM JUSTICE COURT ACT.

23 S 6. Subdivision 11 of section 116 of the town law, as added by chap-  
24 ter 357 of the laws of 1936, is amended to read as follows:

25 11. The fees and charges of a [police] justice or other officer  
26 authorized by law to be paid for services rendered and expenses incurred  
27 on account of offenses committed in a village and [triable] TRIED before  
28 [the police] A justice[,] COURT FOR SUCH VILLAGE BUT NOT FOR SUCH TOWN  
29 shall not be a town charge or be audited or paid by the town board of  
30 the town.

31 S 7. Subdivision 2 of section 4-410 of the village law, as amended by  
32 chapter 976 of the laws of 1973, is amended to read as follows:

33 2. [All the] EXCEPT AS OTHERWISE PROVIDED BY ARTICLE TWENTY-TWO-A OF  
34 THE UNIFORM JUSTICE COURT ACT, ALL expenses of maintaining the village  
35 court[, including the fees of the village justice if he is not paid a  
36 salary,] shall be a village charge. [The fees allowable to villages for  
37 the services of magistrates and the fees allowable to other officers for  
38 services in criminal proceedings, for or on account of an offense which  
39 a court of special sessions has not jurisdiction to try, shall be a  
40 county charge, if the magistrate had jurisdiction of the proceedings in  
41 which the services were rendered.] A county shall pay any amount due to  
42 a village for the services of a village justice which are a county  
43 charge upon presentation to it of a claim by the state comptroller for  
44 such charges each quarter. If any fine legally payable to the state[,]  
45 shall have been erroneously paid to the village treasurer, the board of  
46 trustees may, and is hereby authorized to, appropriate in its next annu-  
47 al budget such sum as may be necessary to reimburse the state for such  
48 fine so paid.

49 S 8. Subdivision 7 of section 5-524 of the village law, as amended by  
50 chapter 222 of the laws of 1982, is amended to read as follows:

51 7. The actual and necessary expenses of all officers, employees, and,  
52 when authorized by the board of trustees, the actual and necessary  
53 expenses of the volunteer chief and assistant volunteer chiefs of the  
54 village fire department incurred in the performance of their official  
55 duties shall be a village charge. For the purposes of this subdivision  
56 "actual and necessary expenses", as it applies to a volunteer chief or

1 assistant volunteer chief of the village fire department, means only  
2 such expenses incurred in the performance of their extra official duties  
3 as volunteer chief or assistant volunteer chief. The board of trustees  
4 of any village, in lieu of auditing and allowing the claim of a village  
5 officer, employee, or volunteer chief and assistant volunteer chiefs of  
6 the village fire department for actual and necessary expenses for travel,  
7 may determine by resolution to allow and pay such officer, employee,  
8 or volunteer chief and assistant volunteer chiefs of the village fire  
9 department a reasonable mileage allowance for use of his OR HER own  
10 automobile for each mile actually and necessarily traveled by him OR HER  
11 in the performance of the duties of his OR HER office or position, or in  
12 attending a convention, conference or school pursuant to section seven-  
13 ty-seven-b of the general municipal law. The actual and necessary  
14 expenses incurred by a [police] VILLAGE justice OR JUSTICE ELECT who  
15 does not also hold the office of town justice OR JUSTICE ELECT in  
16 attending [a training school for justices provided by the education  
17 department or given within his county by the county magistrate's associ-  
18 ation] A COURSE OF TRAINING REQUIRED BEFORE HE OR SHE CAN ASSUME THE  
19 FUNCTIONS OF OFFICE shall be a charge against the village [of] which he  
20 OR SHE is [police justice. No such person, however, shall be allowed  
21 such expenses for attending a regional school unless his village shall  
22 be included within the area of such region as established by the educa-  
23 tion department] SELECTED.  
24 S 9. This act shall take effect immediately.

25 PART C

26 Section 1. The uniform justice court act is amended by adding two new  
27 sections 105-a and 105-b to read as follows:  
28 S 105-A. AGE AND EDUCATIONAL QUALIFICATIONS FOR TOWN AND VILLAGE  
29 JUSTICES.

30 IN ADDITION TO OTHER QUALIFICATIONS FOR TOWN OR VILLAGE JUDICIAL  
31 OFFICE ESTABLISHED BY LAW, NO PERSON OTHER THAN ONE SERVING AS A TOWN OR  
32 VILLAGE JUSTICE ON THE EFFECTIVE DATE OF THIS SECTION SHALL BE ELIGIBLE  
33 FOR SELECTION AS A TOWN OR VILLAGE JUSTICE UNLESS HE OR SHE SHALL HAVE  
34 ACHIEVED THE AGE OF TWENTY-FIVE YEARS, GRADUATED FROM AN ACCREDITED HIGH  
35 SCHOOL OR EARNED A GENERAL EQUIVALENCY DEGREE DIPLOMA, AND EARNED AN  
36 ASSOCIATE OR BACCALAUREATE DEGREE FROM AN ACCREDITED INSTITUTION OF  
37 HIGHER EDUCATION.

38 S 105-B. RESIDENCY REQUIREMENT FOR TOWN AND VILLAGE JUSTICES.

39 NOTWITHSTANDING ANY PROVISION OF LAW, A PERSON SHALL BE ELIGIBLE TO  
40 SERVE AS A JUSTICE FOR ANY TOWN, OR FOR ANY VILLAGE WHOLLY OR PARTLY  
41 LOCATED IN SUCH TOWN, WITHIN HIS OR HER COUNTY OF RESIDENCE OR AN  
42 ADJOINING COUNTY. A JUSTICE WHO CEASES TO SATISFY THIS REQUIREMENT AS TO  
43 ANY SUCH JUDICIAL OFFICE SHALL BE DEEMED TO VACATE SUCH OFFICE, WHICH  
44 THEREAFTER SHALL BE FILLED IN THE MANNER PRESCRIBED BY LAW.

45 S 2. The uniform justice court act is amended by adding a new section  
46 105-c to read as follows:

47 S 105-C. ELECTION TO PROCEED IN CERTAIN CRIMINAL ACTIONS.

48 (A) IN ACCORDANCE WITH THIS SECTION, A DEFENDANT APPEARING IN A  
49 JUSTICE COURT PURSUANT TO AN ACCUSATORY INSTRUMENT THAT CHARGES A MISDE-  
50 MEANOR OR FELONY MAY ELECT TO PROCEED IN SUCH MATTER ONLY BEFORE A  
51 JUSTICE ADMITTED TO PRACTICE LAW IN THIS STATE. SUCH ELECTION SHALL BE  
52 BY WRITTEN INSTRUMENT IN A FORM PRESCRIBED BY THE CHIEF ADMINISTRATOR OF  
53 THE COURTS AND SHALL BE FILED WITH SUCH COURT NOT LATER THAN THE

COMPLETION OF THE FIRST APPEARANCE AT WHICH EITHER THE DEFENDANT MAKES A MOTION OR SUCH COURT DECIDES A MOTION MADE BY THE PROSECUTOR.

(B) THE CHIEF ADMINISTRATOR SHALL PROMULGATE RULES TO EFFECTUATE THE PROVISIONS OF THIS SECTION. SUCH RULES SHALL ENSURE THAT DEFENDANTS ARE TIMELY ADVISED OF THE RIGHT OF ELECTION HEREUNDER AND THAT EACH CASE IN WHICH A DEFENDANT MAKES SUCH AN ELECTION IS ASSIGNED TO A JUSTICE OR JUDGE ADMITTED TO PRACTICE LAW IN THIS STATE WITH MINIMUM PRACTICABLE DELAY AND BURDEN TO THE PARTIES.

S 3. Subdivision (a) of section 105 of the uniform justice court act, as amended by chapter 250 of the laws of 1975, is amended to read as follows:

(a) Training. No town or village justice [selected for a term of office commencing on or after September first, nineteen hundred sixty-seven], except one who has been admitted to practice law in this state, shall assume the functions of [his] office unless he OR SHE has filed with the clerk of [his] THE municipality IN WHICH HE OR SHE WAS SELECTED a certificate of completion of a course OR COURSES of education and training prescribed by the [administrative board. The administrative board] CHIEF ADMINISTRATOR OF THE COURTS. THE CHIEF ADMINISTRATOR may issue a temporary certificate enabling a town or village justice to assume the functions of his OR HER office pending completion of the earliest such course OR COURSES available thereafter, AND MAY ISSUE A CERTIFICATE ENABLING A TOWN OR VILLAGE JUSTICE TO ASSUME PARTIAL FUNCTIONS OF OFFICE UPON SUCCESSFUL COMPLETION OF ANY PART OF SUCH COURSE OR COURSES DIRECTLY RELATING TO SUCH PARTIAL FUNCTIONS PENDING SUCCESSFUL COMPLETION OF THE NEXT COURSE OR COURSES RELATING TO THE REMAINING FUNCTIONS OF OFFICE THAT SUCH JUSTICE SHALL NOT YET BE CERTIFIED TO PERFORM. Such certificates shall be in a form, and subject to terms and conditions, prescribed by the [administrative board] CHIEF ADMINISTRATOR.

S 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.

#### PART D

Section 1. Section 102 of the uniform justice court act is amended to read as follows:

S 102. Application of UJCA.

THE JUSTICE COURTS OF THIS STATE SHALL INCLUDE EVERY COURT ESTABLISHED TO SERVE AN INDIVIDUAL TOWN OR VILLAGE AND EVERY COURT ESTABLISHED TO SERVE MULTIPLE SUCH LOCALITIES IN ACCORDANCE WITH THIS CHAPTER. The jurisdiction of and practice and procedure in each SUCH court [governed by the UJCA] shall be as prescribed herein, and each such court shall be a part of the unified court system for the state. [Such] EACH SUCH court [in each municipality] shall have an official seal [to be furnished by the municipality] upon which shall be engraved the words "Justice Court of the [(Town, Village or City) of] (insert name of municipality OR MUNICIPALITIES FOR WHICH THE COURT PRESIDES), County of (insert name of county), New York, Seal".

S 2. Section 103 of the uniform justice court act is amended to read as follows:

S 103. Titles of justices; incidental powers.

The title of each justice [of:] SELECTED BY

[a.] a town [court] OR VILLAGE shall be "Town Justice"[];

b. a village court shall be] OR "Village Justice"[]; RESPECTIVELY,

and EACH SUCH JUSTICE PRESIDING IN A JUSTICE COURT PURSUANT TO THIS

1 CHAPTER SHALL BE TITLED A JUSTICE OF SUCH COURT. A POWER, DUTY OR LIMI-  
2 TATION DEVOLVING ON A JUSTICE OR COURT SUBJECT TO THIS CHAPTER SHALL  
3 DEVOLVE ON EACH JUSTICE OF SUCH COURT EXCEPT AS OTHERWISE PROVIDED BY  
4 LAW.

5 [c. a court established in and for a city and governed by this act  
6 shall be "City Justice".]

7 In addition to such judicial powers as are conferred by law in this  
8 act or elsewhere, each justice shall have all of the powers conferred or  
9 conferrable on non-judicial personnel of the court.

10 S 3. Section 104 of the uniform justice court act is amended to read  
11 as follows:

12 S 104. Bond and oath of justice.

13 Upon assuming office, each justice shall file with the county clerk  
14 his OR HER oath of office and a bond in an amount fixed by the [munici-  
15 pal] GOVERNING board OF THE TOWN OR VILLAGE FOR WHICH SUCH JUSTICE WAS  
16 SELECTED, and conditioned for the faithful performance of his OR HER  
17 duties. Additional copies of the oath shall be filed with the [adminis-  
18 trative board] CHIEF ADMINISTRATOR OF THE COURTS and with the clerk of  
19 [the municipality] SUCH TOWN OR VILLAGE.

20 S 4. Subdivisions 6, 8 and 9 of section 106 of the uniform justice  
21 court act are REPEALED, subdivision 7, as renumbered by chapter 321 of  
22 the laws of 2007, is renumbered subdivision 6, subdivision 10 is renum-  
23 bered subdivision 7 and subdivisions 1 and 2 of such section, subdivi-  
24 sion 1 as amended by section 1 of part L of chapter 56 of the laws of  
25 2010 and subdivision 2 as added by chapter 321 of the laws of 2007, are  
26 amended to read as follows:

27 1. A justice may hold court anywhere in the municipality OR MUNICI-  
28 PALITIES FOR WHICH SUCH JUSTICE COURT PRESIDES, including in the case of  
29 a town [justice] anywhere within a village wholly or partly contained  
30 within [the] SUCH town [of which he is a justice regardless of] whether  
31 or not [said] A DIFFERENT JUSTICE COURT PRESIDES FOR SUCH village [has a  
32 village court and in the event]. IF two or more contiguous villages  
33 maintain offices in the same building, a [village] justice of A JUSTICE  
34 COURT PRESIDING FOR any such village may hold court in such building,  
35 notwithstanding that the building is outside the boundaries of such  
36 village. [A town justice may hold court in an adjacent town providing  
37 such justice has been elected or holds office pursuant to a plan estab-  
38 lished by resolution which was adopted pursuant to the provisions of  
39 section one hundred six-a of this article or the provisions of section  
40 one hundred six-b of this article.] A justice may hold court in one or  
41 more municipalities that form a contiguous geographic area, including in  
42 a town and one or more villages each of which is wholly or partly  
43 contained within such town, within the same county providing there is an  
44 agreement between such municipalities pursuant to article five-g of the  
45 general municipal law to hold all court proceedings in any of the such  
46 municipalities in a courtroom or other suitable facility open to the  
47 public. FOR PURPOSES OF ARRAIGNMENTS AND APPEARANCE PROCEEDINGS PURSU-  
48 ANT TO A WARRANT, A JUSTICE MAY PRESIDE FOR HIS OR HER JUSTICE COURT  
49 ANYWHERE IN THE COUNTY IN WHICH SUCH COURT IS ESTABLISHED PROVIDED THAT  
50 THE COUNTY, CITY, TOWN OR VILLAGE PROVIDING THE COURT FACILITY IN WHICH  
51 SUCH JUSTICE SHALL PRESIDE FOR ANY OF SUCH PURPOSES CONSENTS TO SUCH  
52 USAGE.

53 2. The chief administrator of the courts may temporarily assign any  
54 justice of another town or village [court], or a judge of a city court,  
55 to [a town or village] ANY JUSTICE court within the county of such  
56 judge's or justice's residence or an adjoining county. While temporarily

1 assigned hereunder, any such judge or justice shall have the powers,  
2 duties and jurisdiction of a justice of the court to which the assign-  
3 ment is made. After the expiration of any temporary assignment here-  
4 under, the judge or justice assigned shall have all the powers, duties  
5 and jurisdiction of a judge or justice of the court to which the assign-  
6 ment was made with respect to all matters pending during the term of  
7 such temporary assignment. Such judge or justice shall be entitled to  
8 such compensation and travel expenses as the chief administrator shall  
9 prescribe by rule, payable out of funds appropriated to the state judi-  
10 ciary for such purpose.

11 S 5. Section 107 of the uniform justice court act, as amended by chap-  
12 ter 861 of the laws of 1975, is amended to read as follows:

13 S 107. Records and dockets of court.

14 Each justice shall keep or cause to be kept legible and suitable  
15 books, papers, records and dockets of all [civil actions and proceedings  
16 and all criminal actions and] proceedings. The rules may prescribe  
17 their form, care, custody and disposition, provided, however, that in  
18 any county or part of a county where the district court system has been  
19 duly adopted, all the dockets of the [town] justices then on file or  
20 required to be filed[,] in the office of the town OR VILLAGE clerk[, ] OR  
21 IN THE JUSTICE COURT FOR SUCH TOWN OR VILLAGE shall be transferred to  
22 the office of the clerk of the district court and there kept and main-  
23 tained in the same manner as other official records of the district  
24 court and responsibility for such records on the part of the town OR  
25 VILLAGE AND THE JUSTICES AND CLERKS THEREOF shall cease.

26 S 6. Section 109 of the uniform justice court act is amended to read  
27 as follows:

28 S 109. Non-judicial personnel; their powers and duties.

29 Each court shall have such non-judicial personnel as may be provided  
30 by the [municipal board] BUDGET FOR SUCH COURT PURSUANT TO THIS CHAPTER.  
31 Their powers and duties in addition to those provided by this act, shall  
32 be as provided in the rules OF THE CHIEF ADMINISTRATOR. All non-judicial  
33 personnel of the court shall have the power to administer oaths, take  
34 acknowledgments and sign the process or mandate of the court, if so  
35 authorized by law[, ] OR COURT rule [or appellate division order].

36 S 7. Paragraph 3 of subdivision (a) of section 110 of the uniform  
37 justice court act, as amended by chapter 236 of the laws of 1971, is  
38 amended to read as follows:

39 3. a JUSTICE court [established in and] for [a city and governed by  
40 this act,] MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A  
41 OR ARTICLE TWENTY-TWO OF THIS CHAPTER, THE POLICE OFFICIALS, MARSHALS  
42 AND CONSTABLES OF EACH SUCH MUNICIPALITY, EACH ACTING FOR HIS OR HER  
43 MUNICIPALITY, AND the sheriff of the county.

44 S 8. Subdivision (c) of section 111 of the uniform justice court act  
45 is amended to read as follows:

46 (c) Bond. With such oath as is required to be filed by subdivision (b)  
47 OF THIS SECTION shall be filed a bond, in an amount fixed and approved  
48 by the municipal board OR, FOR A JUSTICE COURT FOR MULTIPLE MUNICI-  
49 PALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF  
50 THIS CHAPTER, BY JOINT RESOLUTION OF EACH SUCH MUNICIPALITY, conditioned  
51 for the faithful performance of duty.

52 S 9. Section 201 of the uniform justice court act, as amended by chap-  
53 ter 626 of the laws of 1970 and subdivision a as amended by chapter 685  
54 of the laws of 1977, is amended to read as follows:

55 S 201. Jurisdiction; in general.



1 a. The court shall have jurisdiction as set forth in this article and  
2 as elsewhere provided by law[, subject, in the case of a city court  
3 governed by this act, to the limitations stated in S 2300 (b) (2) (i) of  
4 this act]. The phrase "\$3000", whenever it appears herein, shall be  
5 taken to mean "\$3000 exclusive of interest and costs"[, except that, in  
6 the case of a city court governed by this act whose monetary jurisdic-  
7 tion is, pursuant to S 2300 (b) (2) (i) of this act, below \$3000, it  
8 shall be taken to mean such lesser sum as is applicable in the partic-  
9 ular court, exclusive of interest and costs].

10 b. Concurrent civil jurisdiction of [town court] SEPARATE JUSTICE  
11 COURTS PRESIDING FOR TOWN and village [court in village]. Notwithstand-  
12 ing the provisions of this chapter [or section one hundred eighty-six of  
13 the village law, the town] A JUSTICE court PRESIDING FOR A TOWN and [the  
14 village] A SEPARATE JUSTICE court [of] PRESIDING FOR a village wholly or  
15 partly within such town [and wherein a court has been established],  
16 shall have concurrent civil jurisdiction over causes of action arising  
17 within such village.

18 S 10. The section heading and subdivisions (a) and (b) of section 213  
19 of the uniform justice court act are amended to read as follows:

20 [Residence] LOCATION OF PARTY RESIDENCE or business [within munici-  
21 pality].

22 (a) In an action described in [S 202] SECTION TWO HUNDRED TWO OF THIS  
23 CHAPTER, either a plaintiff or a defendant must:

24 1. be a resident of [the municipality] A TOWN OR VILLAGE FOR WHICH  
25 SUCH JUSTICE COURT IS ESTABLISHED; or

26 2. have a regular employment within [the municipality] SUCH TOWN OR  
27 VILLAGE; or

28 3. have a place for the regular transaction of business within [the  
29 municipality] SUCH TOWN OR VILLAGE.

30 (b) A corporation, association or partnership shall, for the purposes  
31 of this section, be deemed a resident of the [municipality] TOWN OR  
32 VILLAGE if it has an office or agency or regularly transacts business  
33 [in the municipality] THEREIN.

34 S 11. Section 214 of the uniform justice court act, as amended by  
35 chapter 515 of the laws of 1978, is amended to read as follows:

36 S 214. Transferred cases IN WESTCHESTER COUNTY.

37 In a case brought in the supreme court or county court of Westchester  
38 county where money damages only are sought and classification, pretrial  
39 or other appropriate procedures in either of said courts or the demand  
40 for relief have determined that the potential recovery, assuming liabil-  
41 ity, in an action or proceeding or counterclaim therein will not exceed  
42 the sum of five thousand dollars, exclusive of interest and costs, if  
43 such action or proceeding is transferred to a [town or village] JUSTICE  
44 court in the county of Westchester having jurisdiction of the parties  
45 under section two hundred thirteen of this [act] ARTICLE, pursuant to  
46 section nineteen of article six of the state constitution, the verdict  
47 or judgment of such justice court shall not be subject to the limitation  
48 of monetary jurisdiction specified elsewhere in this article for such  
49 court, but shall be subject instead to a monetary jurisdiction not to  
50 exceed five thousand dollars, exclusive of interest and costs. Alterna-  
51 tively, for purposes of this section only, in the furtherance of the  
52 interests of justice, such transfer may be made (a) to a justice court  
53 [in] FOR a municipality adjacent to a municipality designated in section  
54 two hundred thirteen of this [act] ARTICLE or to a justice court [in]  
55 FOR a municipality adjacent to a city in Westchester county whose court  
56 would otherwise have had jurisdiction by [the calendar] A justice of the

1 supreme court or judge of the county court; or (b) to any justice court  
2 in the county of Westchester by the administrative judge of the ninth  
3 judicial district. Costs incurred by local municipalities in administer-  
4 ing their courts as a result of the application of this section shall be  
5 [a charge] CHARGES against the county of Westchester within the amounts  
6 appropriated by the county therefor and subject to reasonable rules and  
7 regulations thereof by the county.

8 S 12. Section 1306 of the uniform justice court act is REPEALED.

9 S 13. Section 1801 of the uniform justice court act, as amended by  
10 chapter 76 of the laws of 1994, is amended to read as follows:

11 S 1801. Small claims defined.

12 The term "small claim" or "small claims" as used in this act shall  
13 mean and include any cause of action for money only not in excess of  
14 three thousand dollars exclusive of interest and costs, provided that  
15 the defendant either resides, or has an office for the transaction of  
16 business or a regular employment, within [the] A municipality [where]  
17 FOR WHICH the court [is located] PRESIDES. However, where a judge of the  
18 county court, pursuant to subdivision (g) of section three hundred twen-  
19 ty-five of the civil practice law and rules, transfers a small claim  
20 from [the town or village] A JUSTICE court having jurisdiction over the  
21 matter to another [town or village] JUSTICE court within the same coun-  
22 ty, the court to which it is transferred shall have jurisdiction to  
23 determine the claim.

24 S 14. Paragraph 3 of subdivision (a) of section 1911 of the uniform  
25 justice court act, as added by chapter 489 of the laws of 2001, is  
26 amended to read as follows:

27 3. [a.] No [clerk of any town] JUSTICE court shall collect or charge  
28 any fee imposed pursuant to paragraph one of this subdivision from [the]  
29 ANY town [in] OR VILLAGE FOR which such court [has jurisdiction, nor  
30 from any village located therein or] PRESIDES OR from any officer or  
31 agency of ANY such town or village.

32 [b. No clerk of any village court shall collect or charge any fee  
33 imposed pursuant to paragraph one of this subdivision from the village  
34 in which such court has jurisdiction, or from any officer or agency of  
35 such village.]

36 S 15. Section 2012 of the uniform justice court act is REPEALED.

37 S 16. Section 2019-a of the uniform justice court act, as amended by  
38 chapter 861 of the laws of 1975, is amended to read as follows:

39 S 2019-a. Justices' criminal records and docket.

40 The records and dockets of the court except as otherwise provided by  
41 law shall be at reasonable times open for inspection to the public and  
42 shall be and remain the property of the [village or town of the resi-  
43 dence of such justice] COURT, and at the expiration of the term of  
44 office of [such] EACH justice THEREOF shall be forthwith filed by him in  
45 the office of the clerk of such [village or town] COURT, provided,  
46 however, that if such records and dockets are transferred pursuant to  
47 section [twenty hundred twenty-one] TWO THOUSAND TWENTY-ONE of the  
48 uniform district court act, the responsibility for such records and  
49 dockets by the [city, village or town] JUSTICE COURT shall cease and  
50 they shall be the property of the district court to which they are  
51 transferred. The record of every criminal action shall state the names  
52 of the witnesses sworn and their places of residence[, and if in a city,  
53 the street and house number;], and every proceeding had before him OR  
54 HER. It shall be the duty of every such justice, at least once a year  
55 and upon the last audit day of [such village or town] THE MUNICIPALITY  
56 OR, IN THE CASE OF A JUSTICE OF A JUSTICE COURT FOR MULTIPLE MUNICI-

1 PALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF  
2 THIS CHAPTER, THE LAST AUDIT DAY OF EACH OF SUCH TOWNS ONLY EXCEPT IN  
3 THE CASE OF A JUSTICE COURT FOR MULTIPLE VILLAGES ONLY, THE LAST AUDIT  
4 DAY OF EACH OF SUCH VILLAGES, to present his OR HER records and docket  
5 to the auditing board of EACH said [village or town, which] MUNICI-  
6 PALITY. FOR A JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, THE  
7 GOVERNING board OF SUCH TOWN OR VILLAGE shall examine the said records  
8 and docket, or cause THE same to be examined and a report thereon  
9 submitted to the board by a certified public accountant, or a public  
10 accountant and enter in the minutes of its proceedings the fact that  
11 they have been duly examined, and that the fines AND FEES therein  
12 collected have been turned over to the proper officials of [the] SUCH  
13 village or town as required by law. FOR A JUSTICE COURT FOR MULTIPLE  
14 MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-  
15 TWO OF THIS CHAPTER, THE GOVERNING BOARDS OF EACH SUCH MUNICIPALITY  
16 SHALL BY JOINT RESOLUTION CAUSE THE SAID RECORDS AND DOCKET TO BE EXAM-  
17 INED IN THE MANNER PRESCRIBED BY THIS SECTION. EXAMINATIONS PURSUANT TO  
18 THIS SECTION SHALL COMPLY WITH SUCH REASONABLE RULES AS THE STATE COMP-  
19 TROLLER MAY PROVIDE. Any such justice who shall willfully fail to make  
20 and enter in such records and docket forthwith[,] the entries by this  
21 section required to be made or to exhibit such records and docket when  
22 reasonably required, or present his OR HER records and docket [to the  
23 auditing board] FOR AUDIT as herein required, shall be guilty of a  
24 misdemeanor and shall, upon conviction, in addition to the punishment  
25 provided by law for a misdemeanor, forfeit his OR HER office.

26 S 17. Subdivision 1 of section 2021 of the uniform justice court act,  
27 as amended by chapter 460 of the laws of 1991, is amended to read as  
28 follows:

29 1. A fine imposed and paid before commitment[,] must be received by  
30 the court, and unless otherwise provided by law, shall be the property  
31 of the town in which the offense was committed [if the fine was imposed  
32 by a town court]. If, however, the [fine was imposed by a village court  
33 for an] offense committed in a village FOR WHICH THERE EXISTED A VILLAGE  
34 COURT ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER, then,  
35 unless otherwise provided by law, the fine RECEIVED FOR SUCH OFFENSE  
36 shall be the property of [the] SUCH village [in which the offense was  
37 committed]. [All such fines shall be paid to the state comptroller by  
38 the court on or before the tenth day of the month next succeeding their  
39 collection.] Notwithstanding the foregoing provisions of this subdivi-  
40 sion, all fines imposed for the violation of a village local law, ordi-  
41 nance or regulation, unless otherwise provided by law, shall be the  
42 property of such village, whether or not [the village] THERE has BEEN  
43 established [the] FOR SUCH VILLAGE AN office of village justice.

44 S 18. Section 2021 of the uniform justice court act, as added by chap-  
45 ter 1113 of the laws of 1971, is renumbered section 2022 and amended to  
46 read as follows:

47 S 2022. Stenographer in criminal proceedings.

48 Whenever a contested criminal proceeding is prosecuted in a justice  
49 court, [the justice] SUCH COURT may employ a stenographer to take the  
50 testimony on such trial. The [municipal board shall fix the rate of  
51 compensation to be paid to such stenographer for such services rendered.  
52 Such compensation] COST THEREOF shall be a [municipal] charge AGAINST  
53 SUCH COURT, and shall be audited and paid upon certification by the  
54 court [specifying the number of folios furnished].

1 S 19. Section 2101 of the uniform justice court act, paragraph 1 of  
2 subdivision (n) as amended by chapter 626 of the laws of 1970, is  
3 amended to read as follows:

4 S 2101. Definitions.

5 The following words or phrases used in this act shall have the meaning  
6 defined in this section, unless otherwise apparent from the context:

7 (a) "Administrative board" means the administrative board of the judi-  
8 cial conference of the state.

9 (b) "Administrative judge" means the judicial officer designated, by  
10 the appellate division of the department in which the court is located,  
11 to be administrator of the particular court.

12 (c) "Appellate division" means the appellate division of the supreme  
13 court in and for the department in which the particular court is  
14 located, or its designated administrative judge.

15 (d) ["City" means the city in and for which is established the partic-  
16 ular court, which court is established in and for a city and is governed  
17 by this act, to which this act is being applied.

18 (e) "City justice" means the justice or justices of the particular  
19 court, established in and for a city and governed by this act, to which  
20 court this act is being applied.

21 (f)] "Clerk" means the clerk of the particular court to which this act  
22 is being applied, or the non-judicial person performing the functions of  
23 such office; if the particular court has no such clerk or non-judicial  
24 person, it means the justice of such court.

25 [(g)] (E) "County" means the county in which is located, in whole or  
26 in part, the municipality in and for which the particular court to which  
27 this act is being applied is located.

28 [(h)] (F) "County clerk" means the clerk of the county defined above.

29 [(i)] (G) "Court" [embraces] AND "JUSTICE COURT" SHALL EMBRACE each  
30 and every JUSTICE court or office to which this act is applicable pursu-  
31 ant to [S 2300] SECTION TWENTY-THREE HUNDRED OF THIS ACT and, for  
32 purposes of the application of this act to each such court, it shall be  
33 taken as a reference to [either:

34 1.] the [town] court [of] PRESIDING FOR the particular town[;] or

35 [2. the village court of the particular] village, INCLUDING A COURT  
36 FOR SUCH MULTIPLE MUNICIPALITIES, and if there is no court [established  
37 in and] for the particular village [it means] THEN the [town] court, if  
38 any, [of] FOR the town in which the village is located in whole or in  
39 part[; or

40 3. the court established in and for the particular city, if such court  
41 is governed by this act;], as the case may be.

42 [(j)] (H) "Court established in and for a city" means a court estab-  
43 lished in and for a city, which court is governed by this act pursuant  
44 to [S 2300] SECTION TWENTY-THREE HUNDRED of this act.

45 [(k)] (I) "Enforcement officer" means any appropriate officer as  
46 enumerated in [S 110] SECTION ONE HUNDRED TEN of this act.

47 [(l)] (J) "Justice" embraces every justice of every court to which  
48 this act applies, and it shall be taken as a reference to the justice of  
49 the particular court to which this act is being applied.

50 [(m)] (K) "Municipal board" means the local governing body of the  
51 town[, OR village [or city in and] for which the particular court to  
52 which this act is being applied [is established] PRESIDES.

53 [(n)] (L) "Municipality" means[, as applied to:

54 1. a town court,] the town [in and] for which [it is established and  
55 it includes] A JUSTICE COURT PRESIDES, INCLUDING a village located in  
56 whole or in part within the town with respect to civil causes of action

1 arising within such village or if there is no OTHER court [established  
2 in and] PRESIDING for such village[;], OR  
3 [2. a] THE village [court, the village in and] for which [it is estab-  
4 lished] A JUSTICE COURT PRESIDES WHERE ON THE EFFECTIVE DATE OF ARTICLE  
5 TWENTY-TWO OF THIS CHAPTER THERE EXISTED A VILLAGE COURT FOR SUCH  
6 VILLAGE, AS THE CASE MAY BE[; and  
7 3. a court established in and for a city, which court is governed by  
8 this act, the city in and for which it is established].  
9 [(o)] (M) "Rules" means the rules adopted pursuant to [S 2103] SECTION  
10 TWENTY-ONE HUNDRED THREE of this act.  
11 [(p)] (N) "Town" means the town [in and] for which [is established]  
12 the particular [town] JUSTICE court to which this act is being applied  
13 PRESIDES. It does not include any village which is in whole or in part  
14 within the town unless there [is] WAS no village court established [in  
15 and] for such village ON THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF  
16 THIS CHAPTER, in which event it does include such village. [It does not  
17 include any city.]  
18 [(q)] (O) "Town court" means the particular court or [office estab-  
19 lished in and] JUSTICE for a town, which court or [office] JUSTICE is  
20 governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED  
21 of this act and to which this act is being applied.  
22 [(r)] (P) "Town justice" means the justice or justices of the partic-  
23 ular [town] JUSTICE court FOR THE TOWN to which this act is being  
24 applied.  
25 [(s)] (Q) "Village" means the village [in and] for which [is estab-  
26 lished] the particular [village] JUSTICE court to which this act is  
27 being applied PRESIDES OR FOR WHICH A VILLAGE COURT WAS ESTABLISHED ON  
28 THE EFFECTIVE DATE OF ARTICLE TWENTY-TWO OF THIS CHAPTER.  
29 [(t)] (R) "Village court" means the particular court or [office estab-  
30 lished in and] JUSTICE for a village, which court or [office] JUSTICE is  
31 governed by this act pursuant to [S 2300] SECTION TWENTY-THREE HUNDRED  
32 of this act and to which this act is being applied.  
33 [(u)] (S) "Village justice" means the justice or justices of the  
34 particular [village] JUSTICE court FOR THE VILLAGE to which this act is  
35 being applied.  
36 S 20. Subdivision (b) of section 2300 of the uniform justice court act  
37 is amended to read as follows:  
38 (b) Courts to which applicable.  
39 [1. Town and village courts.] This act shall apply to[:  
40 (i)] every court in the state [which is] established [in] and PRESID-  
41 ING for [a town, whether] ONE OR MORE TOWNS AND/OR ONE OR MORE VILLAGES,  
42 BY WHATEVER NAME SUCH COURT PREVIOUSLY WAS denominated ["justice court",  
43 "justice's court", "justice of the peace", "town court", "office of  
44 justice of the peace", or any other combination of words denoting the  
45 office or court commonly known as that of justice of the peace of a  
46 town; and  
47 (ii) every court in the state which is established in and for a  
48 village, whether denominated "village court", "village justice", "police  
49 justice", "police court", "village police justice", "village justice of  
50 the peace", "office of village police justice", or any other combination  
51 of words denoting the office or court commonly known as that of village  
52 police justice], except as provided by PARAGRAPH TWO OF subdivision  
53 (d) [(2)] OF THIS SECTION regarding areas of a district court.  
54 [2. City courts. The applicability of this act to courts established  
55 in and for cities outside the city of New York, regardless of the name

1 or designation of such courts, shall be as provided in the following  
2 subparagraphs.

3 (i) Civil jurisdiction. If the court has civil jurisdiction, but in  
4 its exercise is governed by the UCCA pursuant to either paragraph one or  
5 three of UCCA S 2300(c), no part of this act shall apply to such court.  
6 If the court exercised civil jurisdiction immediately prior to the  
7 effective date of this act and in the exercise thereof the court was and  
8 is not governed by the UCCA pursuant to either paragraph one or three of  
9 UCCA S 2300(c), this act, with the exception of article 20 and such  
10 other provisions hereof as are concerned with the criminal practice and  
11 procedure, shall apply to the court. In such instance, the basic mone-  
12 tary jurisdiction of the court, for purposes of article two of this act,  
13 shall be as elsewhere provided by law for such court; and if the law  
14 providing for the monetary jurisdiction of such court states no monetary  
15 figure, but adopts by reference such figure as is supplied by a differ-  
16 ent law, the reference shall be disregarded and the monetary jurisdic-  
17 tion of such court, for purposes of article two of this act, shall be  
18 \$500.

19 (ii) Criminal jurisdiction. Article 20 of this act, and such other  
20 portions hereof as are concerned exclusively with criminal jurisdiction,  
21 practice or procedure, shall not apply to any court established in and  
22 for a city.]

23 S 21. Section 99-k of the general municipal law is REPEALED.

24 S 22. The opening paragraph of subdivision 1 of section 99-1 of the  
25 general municipal law, as amended by chapter 452 of the laws of 1997, is  
26 amended to read as follows:

27 [Towns and villages, for their own respective benefits shall be enti-  
28 tled to receive for] FOR the services of the town [court and the] OR  
29 village [court] in WHOSE FACILITY A JUSTICE COURT PRESIDES OVER A crimi-  
30 nal [actions and] ACTION OR other [proceedings] PROCEEDING, THE COURT  
31 SHALL COLLECT ON BEHALF OF SUCH TOWN OR VILLAGE:

32 S 23. Subdivision 2 of section 99-m of the general municipal law, as  
33 amended by chapter 465 of the laws of 1998, is amended to read as  
34 follows:

35 2. A JUSTICE COURT FOR A town or village [court], INCLUDING A JUSTICE  
36 COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A  
37 OR ARTICLE TWENTY-TWO OR THE UNIFORM JUSTICE COURT ACT, shall be enti-  
38 tled to a fee of two per centum of the amount of bail money deposited  
39 with the court in connection with a criminal action or proceeding over  
40 which the court retains jurisdiction, other than an action or proceeding  
41 in which the accusatory instrument charges one or more traffic infrac-  
42 tions only, and an additional fee of one per centum as provided herein.  
43 The total fees on a sum of bail shall not, however, exceed three per  
44 centum and [a town or village] SUCH court shall not be entitled to  
45 collect such fees on bail transferred to a superior court. All fees on  
46 bail collected by [a town or village] SUCH court shall be paid to the  
47 state comptroller by the court on or before the tenth day of the month  
48 next succeeding their collection, except as provided in subdivision  
49 three of section ninety-nine-a of the state finance law. [Two] FOR A  
50 JUSTICE COURT FOR A SINGLE TOWN OR VILLAGE ONLY, TWO per centum of the  
51 bail moneys so collected shall be the property of [the] SUCH town or  
52 village [in which the court reporting the same is located, and the]; FOR  
53 A JUSTICE COURT FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE  
54 HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT,  
55 EACH SUCH MUNICIPALITY SHALL SHARE SUCH TWO PER CENTUM IN PROPORTION TO  
56 THE POPULATION OF EACH SUCH MUNICIPALITY AS MEASURED IN THE PRECEDING

FEDERAL DECENNIAL CENSUS OR ENUMERATION, AS THE STATE COMPTROLLER SHALL PROVIDE. THE additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the [town or village] COURT is located.

S 24. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by [town and village] justice courts, and by the Nassau county traffic and parking violations agency, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

a. electronic funds transfer;

b. remittance of funds by the justice court to the chief fiscal office of the town or village[, or, in the case of]; FOR JUSTICE COURTS FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, TO THE CHIEF FISCAL OFFICER OF EACH SUCH MUNICIPALITY; AND FOR the Nassau county traffic and parking violations agency, to the county treasurer, ALL for distribution in accordance with instructions by the comptroller; and/or

c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau county traffic and parking violations bureau may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

S 24-a. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by [town and village] justice courts, and by the Nassau and Suffolk counties traffic and parking violations agencies, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

a. electronic funds transfer;

b. remittance of funds by the justice court to the chief fiscal office of the town or village[, or, in the case of]; FOR JUSTICE COURTS FOR MULTIPLE MUNICIPALITIES PURSUANT TO SECTION ONE HUNDRED SIX-A OR ARTICLE TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, TO THE CHIEF FISCAL OFFICER OF EACH SUCH MUNICIPALITY; AND FOR the Nassau and Suffolk counties traffic and parking violations agencies, to the county treasurer, ALL for distribution in accordance with instructions by the comptroller; and/or

c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau and Suffolk counties traffic and parking violations agencies may utilize

1 these procedures only when permitted by the comptroller, and such  
2 permission, once given, may subsequently be withdrawn by the comptroller  
3 on due notice.

4 S 25. Paragraph b of subdivision 1 and subdivision 2 of section 1803  
5 of the vehicle and traffic law, paragraph b of subdivision 1 as amended  
6 by chapter 385 of the laws of 1999 and subdivision 2 as amended by chap-  
7 ter 1097 of the laws of 1971, are amended to read as follows:

8 b. for a violation which occurs in a village in which the office of  
9 village justice [is] WAS established ON THE EFFECTIVE DATE OF ARTICLE  
10 TWENTY-TWO OF THE UNIFORM JUSTICE COURT ACT, any fine or penalty shall  
11 be paid to the village in which the violation occurs, when such  
12 violation is of (1) any of the provisions of title seven of this chap-  
13 ter, but including violations of section eleven hundred eighty OF THIS  
14 CHAPTER only when occurring in state parks for which the office of  
15 parks, recreation and historic preservation has established maximum  
16 speed limits pursuant to section sixteen hundred thirty OF THIS CHAPTER  
17 and the violations could have been charged under either such established  
18 maximum speed limits or another section of this chapter, and when  
19 involving maximum speed limits established pursuant to section sixteen  
20 hundred forty-three, sixteen hundred forty-four or sixteen hundred  
21 seventy OF THIS CHAPTER, and excluding violations of sections eleven  
22 hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve  
23 of this chapter, or (2) any ordinance, order, rule or regulation adopted  
24 pursuant to article two-E of the transportation law or section sixteen  
25 hundred thirty of this chapter by the East Hudson Parkway Authority or  
26 by its successor, or the County of Westchester Department of Parks,  
27 Recreation and Conservation, or the state office of parks, recreation  
28 and historic preservation. For purposes of this paragraph, violations  
29 shall be deemed to be violations of any such ordinance, order, rule or  
30 regulation when they occur on highways under the jurisdiction of the  
31 enumerated entities and the violations could have been charged under  
32 either such ordinance, order, rule or regulation, or another section of  
33 this chapter. Notwithstanding the foregoing provisions of this para-  
34 graph, all fines, penalties and forfeitures for violation of a village  
35 ordinance, local law or regulation adopted pursuant to the authorization  
36 of paragraph six of subdivision (a) of section sixteen hundred forty of  
37 this chapter prohibiting, restricting or limiting the stopping, standing  
38 or parking of vehicles shall be paid to such village whether or not the  
39 village has OR HAD established the office of village justice.

40 2. Whenever a defendant is arrested and arraigned before a judicial  
41 officer authorized to conduct any proceedings in or in connection with  
42 any prosecution triable in any local court of inferior jurisdiction [of]  
43 FOR a city [or before a], town [court,] or [a] village [court] on a  
44 charge in which the state is entitled to all fines and penalties under a  
45 sentence or judgment of conviction such city, town or village shall be  
46 entitled to receive the fees set forth in section ninety-nine-1 of the  
47 general municipal law and such fees shall be a state charge and paid as  
48 provided in section ninety-nine-a of the state finance law.

49 S 26. Section 45 of the agriculture and markets law, as amended by  
50 chapter 892 of the laws of 1972, is amended to read as follows:

51 S 45. Disposal of fines and moneys recovered. Except as otherwise  
52 provided in this chapter, all moneys recovered, either as fines, penal-  
53 ties, forfeitures or otherwise, for the violation of any of the  
54 provisions of this chapter, or of any other law the enforcement of which  
55 is within the jurisdiction of the department, or of the rules of the  
56 department, and all bail forfeited by persons charged with such



1 violations, shall be the property of the state. Moneys so recovered by  
2 [town justices] JUSTICE COURTS shall be paid to the state comptroller in  
3 accordance with the provisions of section twenty-seven of the town law  
4 [and] EXCEPT THAT moneys so recovered by [village justices] JUSTICE  
5 COURTS FOR ONE OR MORE VILLAGES ONLY shall be paid to the state comp-  
6 troller in accordance with the provisions of section 4-410 of the  
7 village law. The same disposal shall be made of all moneys recovered  
8 upon any bond given by any officer by virtue of the provisions of this  
9 chapter. Provided, however, that any such moneys collected as fines,  
10 penalties or forfeitures as a result of a prosecution for a violation of  
11 any of the provisions of article sixteen [and sixteen-a] of this chapter  
12 and all bail forfeited by persons charged with such violations shall be  
13 the property of the county or city, as the case may be, in which the  
14 alleged offense was prosecuted and shall be paid to the treasurer, or  
15 corresponding fiscal officer, of such county or city, except that any  
16 such moneys and any such bail forfeitures, collected by [the town  
17 justices or by village justices] JUSTICE COURTS shall be paid to the  
18 state comptroller in accordance with section twenty-seven of the town  
19 law and MONEYS SO RECOVERED BY JUSTICE COURTS FOR ONE OR MORE VILLAGES  
20 ONLY SHALL BE PAID TO THE STATE COMPTROLLER IN ACCORDANCE WITH section  
21 4-410 of the village law, respectively.

22 S 27. Subdivision 2 of section 71-0211 of the environmental conserva-  
23 tion law, as amended by chapter 460 of the laws of 1991, is amended to  
24 read as follows:

25 2. Unless otherwise provided in this chapter, not later than the tenth  
26 day of each month, all fines, penalties and forfeitures collected for  
27 violations of this chapter or rules, regulations, local laws or ordi-  
28 nances adopted thereunder under judgment of any [town or village]  
29 JUSTICE court[,] shall be paid over by such court to the comptroller of  
30 the state, with a statement accompanying the same, setting forth the  
31 action or proceeding in which such moneys were collected, the name and  
32 residence of the defendant, the nature of the offense, and the fines and  
33 penalty imposed. The comptroller shall pay these funds into the general  
34 fund of the state.

35 S 28. Subdivisions 2 and 3 of section 71-0507 of the environmental  
36 conservation law, subdivision 3 as amended by chapter 400 of the laws of  
37 1973, are amended to read as follows:

38 2. Such actions, if in [justices' courts] A JUSTICE COURT, may be  
39 brought in THE JUSTICE COURT FOR any town OR VILLAGE of the county in  
40 which the penalty is incurred, or, if the defendant resides in another  
41 county, [in] FOR any town OR VILLAGE of the county in which the defend-  
42 ant resides.

43 3. Moneys received by a [town justice or a village] justice COURT in  
44 any action for a penalty brought under the provisions of this chapter  
45 listed in section 71-0501 [of] OR titles 5 through 15 inclusive and  
46 title 33 or upon the settlement or compromise thereof, or a fine for a  
47 violation of the provisions of this chapter listed in section 71-0501  
48 and titles 5 through 15 inclusive and title 33 of this article shall be  
49 paid to the State Comptroller as provided in section 27 of the [Town  
50 Law] TOWN LAW and section 4-410 of the village law. From the moneys so  
51 received, the State Comptroller shall pay all lawful fees for services  
52 rendered in such actions when instituted by order of the department or  
53 upon information of a conservation officer, regional and assistant  
54 regional conservation officer, special game protector, district ranger,  
55 forest ranger, or member of the state police. The balance of such moneys  
56 arising from penalties under articles 11 or 13 OF THIS CHAPTER or title

9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 OF THIS CHAPTER or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle his OR HER account with the conservation fund in the manner provided by section 99-a of the [State Finance Law] STATE FINANCE LAW. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the general fund.

S 29. Section 71-0521 of the environmental conservation law is amended to read as follows:

S 71-0521. Certificate by court [or justice].

The court [or justice], other than a [town justice or a village police] justice COURT, before whom any person shall be tried or before whom a compromise of the civil penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made, or the clerk of the court, [if there be a clerk,] shall, at the termination of such trial or proceeding, forthwith mail or deliver to the department at Albany, or to its representative at such trial or proceeding, a certified statement of the disposition of the case or proceeding, giving the date thereof, the name of the defendant, the name of the person upon whose information the action or proceeding was instituted, the date and place of the violation, the name of each witness sworn in support of the charges, and the costs of the court [or fees of the justice], and the fees of the constable, if any. Provided, however, that a [town] justice [or a village police justice] COURT before whom any person shall be tried or before whom a compromise of the civil penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made, OR THE CLERK OF SUCH COURT, shall forthwith mail or deliver to the department at Albany or to its representative in attendance at such trial or proceeding such certified statement, and within the first ten days of the month following the termination of such trial or proceeding deliver to the State Comptroller at Albany a statement in such form as the Comptroller may require. The Comptroller upon receipt of such statement shall, as provided in section 71-0507, audit the bills of the justice [of the peace] COURT and the constable for fees in such trial or proceeding and shall pay to the persons entitled thereto the amounts allowed by such audit and shall charge same to the conservation fund.

S 30. Subdivision 2 of section 52 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

2. All fines imposed under this chapter, except as herein otherwise provided, shall be paid directly and immediately by the officer collecting the same to the [chairman] CHAIRPERSON, and shall be paid by him OR HER into the uninsured employers' fund created under section twenty-six-a of this chapter, provided, however, that all such fines collected by [justices of towns and villages] JUSTICE COURTS shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law and section 4-410 of the village law respectively.

S 31. Subdivision 1 of section 27.13 of the parks, recreation and historic preservation law, as amended by chapter 292 of the laws of 1980, is amended to read as follows:

1. Not later than the tenth day of each month, all fines and penalties collected for violations of this chapter or rules, regulations, local

1 laws or ordinances adopted thereunder under judgment of any [town or  
2 village] JUSTICE court[,] shall be paid over by such court to the comp-  
3 troller of the state, with a statement accompanying the same, setting  
4 forth the action or proceeding in which such moneys were collected, the  
5 name and residence of the defendant, the nature of the offense, and the  
6 fines and penalty imposed.

7 All fines and penalties collected for violations of this chapter by  
8 courts operating pursuant to section thirty-nine of the judiciary law  
9 shall be paid to the state commissioner of taxation and finance on a  
10 monthly basis no later than ten days after the last day of each month.

11 S 32. Subdivisions 1 and 3 of section 201 of the navigation law, as  
12 amended by chapter 805 of the laws of 1992, are amended to read as  
13 follows:

14 1. On the first day of each month or within ten days thereafter, all  
15 fines and penalties collected for violations of this chapter, except for  
16 violations of article six OF THIS CHAPTER, under judgment of any [town  
17 or village court or] justice COURT or pursuant to compromise, shall be  
18 paid over by such court [or justice] to the comptroller of the state,  
19 with a statement accompanying the same, setting forth the action or  
20 proceeding in which such moneys were collected, the name and residence  
21 of the defendant, the nature of the offense, and the fine or penalty  
22 imposed.

23 3. All fines and penalties imposed for violations of article four of  
24 this chapter under judgment of any [town or village court or] justice  
25 COURT or pursuant to compromise which are paid over by such court [or  
26 justice] to the comptroller shall be deposited by the comptroller into  
27 the "I love NY waterways" boating safety fund established pursuant to  
28 section ninety-seven-nn of the state finance law.

29 S 33. This act shall take effect immediately; provided, however, that  
30 section twenty-four-a of this act shall take effect on the same date and  
31 in the same manner as section 9 of chapter 388 of the laws of 2012,  
32 takes effect.

33 S 4. Severability. If any clause, sentence, paragraph, subdivision,  
34 section or part of this act shall be adjudged by any court of competent  
35 jurisdiction to be invalid, such judgment shall not affect, impair or  
36 invalidate the remainder thereof, but shall be confined in its operation  
37 to the clause, sentence, paragraph, subdivision, section or part thereof  
38 directly involved in the controversy in which such judgment shall have  
39 been rendered. It is hereby declared to be the intent of the legislature  
40 that this act would have been enacted even if such invalid provisions  
41 had not been included herein.

42 S 5. This act shall take effect immediately; provided, however that  
43 the applicable effective date of Parts A through D of this act shall be  
44 as specifically set forth in the last section of such Parts.