

6552--A

2013-2014 Regular Sessions

I N A S S E M B L Y

April 9, 2013

Introduced by M. of A. MORELLE, WEINSTEIN, BRINDISI, BRONSON, BUCHWALD, SKARTADOS, STECK, WEPRIN, LUPARDO -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform city court act and the judiciary law, in relation to judges of city courts

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

1 Section 1. Paragraph 1 of subdivision (b) of section 2104 of the
2 uniform city court act, as amended by chapter 493 of the laws of 2006,
3 is amended to read as follows:
4 (1) be an attorney admitted to practice law in this state for at least
5 five years as of the date he or she commences the duties of office, and
6 be a resident of the city in which he or she is elected or appointed,
7 except that the judges of the Sherrill city court may reside anywhere in
8 either Oneida or Madison counties, the city court judge who serves in
9 the office that formerly was that of acting judge of the Oneida city
10 court may reside anywhere in Madison county, the judges of the Peekskill
11 city court may reside anywhere in Westchester county, the city court
12 judge who serves in the office that formerly was that of acting judge of
13 the Port Jervis city court may reside anywhere in either Sullivan or
14 Orange counties, the judges of the Hudson city court may reside anywhere
15 in Columbia county, the city court judge who serves in the office that
16 formerly was that of acting judge of the Mechanicville city court may
17 reside anywhere in Saratoga county, the judges of the Ogdensburg city
18 court may reside anywhere in St. Lawrence county, the judges of the
19 Rensselaer city court may reside anywhere in Rensselaer county and one
20 judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN

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

LBD09321-03-3

THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY COURT may reside anywhere in Albany county.

S 2. Subdivision (d) of section 2104 of the uniform city court act, as amended by chapter 493 of the laws of 2006, is amended to read as follows:

(d) The number of judges of the city court in each city shall be as provided herein. Full-time judgeships are specifically so designated, all others are part-time:

Par. Name of city

| | |
|----|--|
| 1 | Albany, [four] FIVE full-time [and one part-time]; |
| 2 | Amsterdam, one full-time and one part-time; |
| 3 | Auburn, one full-time and one part-time; |
| 4 | Batavia, one full-time and one part-time; |
| 5 | Beacon, one full-time and one part-time; |
| 6 | Binghamton, [two] THREE full-time [and one part-time]; |
| 7 | Buffalo, [thirteen] FOURTEEN full-time; |
| 8 | Canandaigua, one full-time and one part-time; |
| 9 | Cohoes, two; |
| 10 | Corning, one full-time and one part-time; |
| 11 | Cortland, one full-time and one part-time; |
| 12 | Dunkirk, one full-time and one part-time; |
| 13 | Elmira, two full-time; |
| 14 | Fulton, one full-time and one part-time; |
| 15 | Geneva, three; |
| 16 | Glen Cove, two; |
| 17 | Glens Falls, one full-time and one part-time; |
| 18 | Gloversville, one full-time and one part-time; |
| 19 | Hornell, two; |
| 20 | Hudson, two; |
| 21 | Ithaca, [one] TWO full-time [and one part-time]; |
| 22 | Jamestown, [one] TWO full-time [and one part-time]; |
| 23 | Johnstown, two; |
| 24 | Kingston, [one] TWO full-time [and one part-time]; |
| 25 | Lackawanna, one full-time and one part-time; |
| 26 | Little Falls, two; |
| 27 | Lockport, [one] TWO full-time [and one part-time]; |
| 28 | Long Beach, two full-time; |
| 29 | Mechanicville, two; |
| 30 | Middletown, [one] TWO full-time [and one part-time]; |
| 31 | Mount Vernon, three full-time and one part-time; |
| 32 | Newburgh, [two] THREE full-time; |
| 33 | New Rochelle, [two] THREE full-time [and one part-time]; |
| 34 | Niagara Falls, four full-time; |
| 35 | North Tonawanda, one full-time and one part-time; |
| 36 | Norwich, [two] ONE FULL-TIME AND ONE PART-TIME; |
| 37 | Ogdensburg, one full-time and one part-time; |
| 38 | Olean, one full-time and one part-time; |
| 39 | Oneida, [two] ONE FULL-TIME AND ONE PART-TIME; |
| 40 | Oneonta, [two] ONE FULL-TIME AND ONE PART-TIME; |
| 41 | Oswego, one full-time and one part-time; |
| 42 | Peekskill, one full-time and one part-time; |
| 43 | Plattsburgh, one full-time and one part-time; |
| 44 | Port Jervis, two; |
| 45 | Poughkeepsie, two full-time; |
| 46 | Rensselaer, two; |
| 47 | Rochester, [nine] TEN full-time; |

1 48 Rome, [one] TWO full-time [and one part-time];
2 49 Rye, one full-time and one part-time;
3 50 Salamanca, two;
4 51 Saratoga Springs, [one] TWO full-time [and one part-time];
5 52 Schenectady, [three] FOUR full-time;
6 53 Sherrill, one;
7 54 Syracuse, [eight] NINE full-time;
8 55 Tonawanda, one full-time and one part-time;
9 56 Troy, [one] TWO full-time and one part-time;
10 57 Utica, three full-time;
11 58 Watertown, [one] TWO full-time [and one part-time];
12 59 Watervliet, two;
13 60 White Plains, [three] FOUR full-time [and one part-time];
14 61 Yonkers, [six] SEVEN full-time.

15 S 3. Subparagraphs (i) and (ii) of paragraph 1 of subdivision (e) of
16 section 2104 of the uniform city court act, as amended by chapter 493 of
17 the laws of 2006, are amended to read as follows:

18 (i) by the mayor of the city for which the court on which he or she
19 will serve has been established, with the advice and consent of the city
20 council: part-time city court judge of Beacon, part-time city court
21 judge of Corning, part-time city court judge of Cortland, part-time city
22 court judge of Gloversville, city court judge of Glen Cove who serves in
23 the office that on June first, two thousand one was an appointive office
24 pursuant to this subparagraph, [part-time city court judge of Ithaca,
25 part-time] city court judge of Jamestown WHO SERVES IN THE OFFICE THAT
26 WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOU-
27 SAND THIRTEEN, part-time city court judge of Olean, city court judges of
28 Plattsburgh, city court judge of Port Jervis who serves in the office
29 that formerly was that of acting city court judge of Port Jervis, city
30 court judges of Rye, city court judge of Salamanca who serves in the
31 office that formerly was that of acting city court judge of Salamanca
32 and the [part-time] city court judge of Watertown WHO SERVES IN THE
33 OFFICE THAT ON MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN WAS PART-TIME.

34 (ii) by the city council of the city for which the court on which he
35 or she will serve has been established: part-time city court judge of
36 Auburn, part-time city court judge of Batavia, part-time city court
37 judge of Canandaigua, city court judge of Johnstown who serves in the
38 office that formerly was that of acting city court judge of Johnstown,
39 city court judge of Newburgh who serves in the office that on March
40 thirty-first, two thousand one was part-time, city court judge of
41 Norwich who serves in the office that [formerly was that of acting city
42 court judge of Norwich] WAS CREATED DURING THE CALENDAR YEAR COMMENCING
43 JANUARY FIRST, TWO THOUSAND THIRTEEN, city court judges of Peekskill,
44 and city court judges of White Plains.

45 S 4. The opening paragraph of subparagraph (iii) of paragraph 1 of
46 subdivision (e) of section 2104 of the uniform city court act, as
47 amended by chapter 493 of the laws of 2006, is amended to read as
48 follows:

49 by the mayor of the city for which the court on which he or she will
50 serve has been established: [part-time city court judge of Binghamton,]
51 city court judges of Cohoes, part-time city court judge of Dunkirk,
52 part-time city court judge of Fulton, city court judge of Geneva who
53 serves in the office that formerly was that of acting city court judge
54 of Geneva, city court judge of Hornell who serves in the office that
55 formerly was that of acting city court judge of Hornell, city court
56 judge of Hudson who serves in the office that formerly was that of

1 acting city court judge of Hudson, [part-time] city court judge of King-
 2 ston WHO SERVES IN THE OFFICE THAT ON MARCH THIRTY-FIRST, TWO THOUSAND
 3 FOURTEEN WAS PART-TIME, part-time city court judge of Lackawanna, city
 4 court judge of Little Falls who serves in the office that formerly was
 5 that of acting CITY court judge of Little Falls, [part-time city court
 6 judge of Lockport,] city court judge of Mechanicville who serves in the
 7 office that formerly was that of acting city court judge of Mechanic-
 8 ville, [part-time] city court judge of Middletown WHO SERVES IN THE
 9 OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY
 10 FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Mount
 11 Vernon, [part-time] city court judge of New Rochelle [and full-time city
 12 court judge of such city who serves in the office created during the
 13 calendar year commencing January first, two thousand one] WHO SERVES IN
 14 THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY
 15 FIRST, TWO THOUSAND THIRTEEN AND THE CITY COURT JUDGE OF SUCH CITY WHO
 16 SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO THOUSAND THIRTEEN WAS AN
 17 APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH, part-time city court
 18 judge of North Tonawanda, part-time city court judge of Ogdensburg,
 19 PART-TIME city court judge of Oneida [who serves in the office that
 20 formerly was that of acting city court judge of Oneida], PART-TIME city
 21 court judge of Oneonta [who serves in the office that formerly was that
 22 of acting city court judge of Oneonta], part-time city court judge of
 23 Oswego, city court judges of Poughkeepsie, city court judge of Rensse-
 24 laer who serves in the office that formerly was that of acting city
 25 court judge of Rensselaer, [part-time] city court judge of Saratoga
 26 Springs WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR
 27 YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN, part-time city
 28 court judge of Tonawanda and city court judge of Watervliet who serves
 29 in the office that formerly was that of acting city court judge of
 30 Watervliet. Provided, however, the following special provisions shall
 31 be applicable in the city of Poughkeepsie:

32 S 5. Section 221-i of the judiciary law, as amended by chapter 493 of
 33 the laws of 2006, is amended to read as follows:

34 S 221-i. Salary of judges of the city courts outside the city of New
 35 York. [The] EXCEPT AS OTHERWISE PROVIDED BY CHAPTER FIVE HUNDRED SIXTY-
 36 SEVEN OF THE LAWS OF TWO THOUSAND TEN, THE annual salary of each judge
 37 of a city court outside the city of New York shall be as follows (where
 38 this section provides different salaries for judicial positions on the
 39 same court having the same title, the greater salary shall be paid the
 40 person holding the position paid the greater salary on the day imme-
 41 diately preceding the day on which such salaries took effect):

| 42 City | Title | |
|----------------|-----------------------|-----------------|
| 43 Albany | City Court Judge (FT) | 113,900 |
| 44 [Albany | City Court Judge | 54,400] |
| 45 Amsterdam | City Court Judge (FT) | 108,800 |
| 46 Amsterdam | City Court Judge | 27,200 |
| 47 Auburn | City Court Judge (FT) | 108,800 |
| 48 Auburn | City Court Judge | [27,200] 54,400 |
| 49 Batavia | City Court Judge (FT) | 108,800 |
| 50 Batavia | City Court Judge | 27,200 |
| 51 Beacon | City Court Judge (FT) | 108,800 |
| 52 Beacon | City Court Judge | 27,200 |
| 53 Binghamton | City Court Judge (FT) | 108,800 |
| 54 [Binghamton | City Court Judge | 54,400] |

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|----|-----------------|-----------------------|----------|---------|
| 1 | Buffalo | Chief Judge (FT) | 115,100 | |
| 2 | Buffalo | City Court Judge (FT) | 113,900 | |
| 3 | Canandaigua | City Court Judge (FT) | 108,800 | |
| 4 | Canandaigua | City Court Judge | 27,200 | |
| 5 | Cohoes | City Court Judge | 54,400 | |
| 6 | Corning | City Court Judge (FT) | 108,800 | |
| 7 | Corning | City Court Judge | 27,200 | |
| 8 | Cortland | City Court Judge (FT) | 108,800 | |
| 9 | Cortland | City Court Judge | [27,200] | 54,400 |
| 10 | Dunkirk | City Court Judge (FT) | 108,800 | |
| 11 | Dunkirk | City Court Judge | 27,200 | |
| 12 | Elmira | City Court Judge (FT) | 108,800 | |
| 13 | Fulton | City Court Judge (FT) | 108,800 | |
| 14 | Fulton | City Court Judge | 27,200 | |
| 15 | Geneva | City Court Judge | 54,400 | |
| 16 | Geneva | City Court Judge | 27,200 | |
| 17 | Glen Cove | City Court Judge | 54,400 | |
| 18 | Gloversville | City Court Judge (FT) | 108,800 | |
| 19 | Gloversville | City Court Judge | 27,200 | |
| 20 | Glens Falls | City Court Judge (FT) | 108,800 | |
| 21 | Glens Falls | City Court Judge | 27,200 | |
| 22 | Hornell | City Court Judge | 54,400 | |
| 23 | Hornell | City Court Judge | 27,200 | |
| 24 | Hudson | City Court Judge | 54,400 | |
| 25 | Hudson | City Court Judge | 27,200 | |
| 26 | Ithaca | City Court Judge (FT) | 108,800 | |
| 27 | [Ithaca | City Court Judge | 54,400] | |
| 28 | Jamestown | City Court Judge (FT) | 108,800 | |
| 29 | [Jamestown | City Court Judge | 54,400] | |
| 30 | Johnstown | City Court Judge | 54,400 | |
| 31 | Johnstown | City Court Judge | 27,200 | |
| 32 | Kingston | City Court Judge (FT) | 108,800 | |
| 33 | [Kingston | City Court Judge | 54,400] | |
| 34 | Lackawanna | City Court Judge (FT) | 108,800 | |
| 35 | Lackawanna | City Court Judge | 54,400 | |
| 36 | Lockport | City Court Judge (FT) | 108,800 | |
| 37 | [Lockport | City Court Judge | 54,400] | |
| 38 | Long Beach | City Court Judge (FT) | 118,300 | |
| 39 | Little Falls | City Court Judge | 27,200 | |
| 40 | Mechanicville | City Court Judge | 27,200 | |
| 41 | Middletown | City Court Judge (FT) | 108,800 | |
| 42 | [Middletown | City Court Judge | 54,400] | |
| 43 | Mount Vernon | City Court Judge (FT) | 118,300 | |
| 44 | Mount Vernon | City Court Judge | 54,400 | |
| 45 | Newburgh | City Court Judge (FT) | 108,800 | |
| 46 | Niagara Falls | Chief Judge (FT) | 115,100 | |
| 47 | Niagara Falls | City Court Judge (FT) | 113,900 | |
| 48 | Norwich | City Court Judge (FT) | [54,400] | 108,800 |
| 49 | Norwich | City Court Judge | 27,200 | |
| 50 | New Rochelle | City Court Judge (FT) | 118,300 | |
| 51 | [New Rochelle | City Court Judge | 54,400] | |
| 52 | North Tonawanda | City Court Judge (FT) | 108,800 | |
| 53 | North Tonawanda | City Court Judge | 54,400 | |
| 54 | Ogdensburg | City Court Judge (FT) | 108,800 | |
| 55 | Ogdensburg | City Court Judge | 27,200 | |
| 56 | Olean | City Court Judge (FT) | 108,800 | |

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|----|-------------------|-----------------------|----------|---------|
| 1 | Olean | City Court Judge | 27,200 | |
| 2 | Oneida | City Court Judge (FT) | [54,400] | 108,800 |
| 3 | Oneida | City Court Judge | 27,200 | |
| 4 | Oneonta | City Court Judge (FT) | [54,400] | 108,800 |
| 5 | Oneonta | City Court Judge | 27,200 | |
| 6 | Oswego | City Court Judge (FT) | 108,800 | |
| 7 | Oswego | City Court Judge | 27,200 | |
| 8 | Peekskill | City Court Judge (FT) | 108,800 | |
| 9 | Peekskill | City Court Judge | 54,400 | |
| 10 | Poughkeepsie | City Court Judge (FT) | 108,800 | |
| 11 | Plattsburgh | City Court Judge (FT) | 108,800 | |
| 12 | Plattsburgh | City Court Judge | 27,200 | |
| 13 | Port Jervis | City Court Judge | 54,400 | |
| 14 | [Port Jervis | City Court Judge | 27,200] | |
| 15 | Rensselaer | City Court Judge | 54,400 | |
| 16 | Rensselaer | City Court Judge | 27,200 | |
| 17 | Rochester | Chief Judge (FT) | 115,100 | |
| 18 | Rochester | City Court Judge (FT) | 113,900 | |
| 19 | Rome | City Court Judge (FT) | 113,900 | |
| 20 | [Rome | City Court Judge | 54,400] | |
| 21 | Rye | City Court Judge (FT) | 108,800 | |
| 22 | Rye | City Court Judge | [27,200] | 54,400 |
| 23 | Salamanca | City Court Judge | 54,400 | |
| 24 | SALAMANCA | CITY COURT JUDGE | 27,200 | |
| 25 | Saratoga Springs | City Court Judge (FT) | 108,800 | |
| 26 | [Saratoga Springs | City Court Judge | 54,400] | |
| 27 | Schenectady | City Court Judge (FT) | 108,800 | |
| 28 | Sherrill | City Court Judge | 27,200 | |
| 29 | Syracuse | Chief Judge (FT) | 115,100 | |
| 30 | Syracuse | City Court Judge (FT) | 113,900 | |
| 31 | Tonawanda | City Court Judge (FT) | 108,800 | |
| 32 | Tonawanda | City Court Judge | 54,400 | |
| 33 | Troy | City Court Judge (FT) | 113,900 | |
| 34 | Troy | City Court Judge | 81,600 | |
| 35 | Utica | Chief Judge (FT) | 115,100 | |
| 36 | Utica | City Court Judge (FT) | 113,900 | |
| 37 | Watertown | City Court Judge (FT) | 108,800 | |
| 38 | [Watertown | City Court Judge | 27,200] | |
| 39 | Watervliet | City Court Judge | 54,400 | |
| 40 | [Watervliet | City Court Judge | 27,200] | |
| 41 | White Plains | City Court Judge (FT) | 116,800 | |
| 42 | [White Plains | City Court Judge | 54,400] | |
| 43 | Yonkers | Chief Judge (FT) | 119,500 | |
| 44 | Yonkers | City Court Judge (FT) | 118,300 | |

45 S 6. Transition. Notwithstanding any other provision of law, for
 46 purposes of this act:

47 (a) On the effective date of this section:

48 (i) each of the following part-time judgeships shall be abolished and
 49 replaced by a full-time judgeship: the part-time city court judge of
 50 Albany, the part-time city court judge of Binghamton, the part-time city
 51 court judge of Ithaca, the part-time city court judge of Jamestown, the
 52 part-time city court judge of Kingston, the part-time city court judge
 53 of Lockport, the part-time city judge of Middletown, the part-time city
 54 court judge of New Rochelle, the part-time city court judge of Norwich
 55 whose office is paid the greater compensation on such date, the part-
 56 time city court judge of Oneida whose office is paid the greater compen-

1 sation on such date, the part-time city court judge of Oneonta whose
2 office is paid the greater compensation on such date, the part-time city
3 court judge of Rome, the part-time city court judge of Saratoga Springs,
4 the part-time city court judge of Watertown and the part-time city court
5 judge of White Plains. Each person in a judgeship abolished by this
6 subdivision shall continue in service in the full-time judgeship that
7 replaces such abolished judgeship hereunder for the remainder of the
8 term of office to which he or she was selected in such abolished judge-
9 ship except that the persons who continue in service in the full-time
10 judgeships that replace the abolished judgeships in the city courts of
11 Binghamton and Lockport, respectively, shall do so until the thirty-
12 first day of December next succeeding the date on which such term of
13 office would otherwise expire; and

14 (ii) the office of the elected part-time city court judge of Salamanca
15 shall receive the increase in compensation provided in section 221-i of
16 the judiciary law as amended by section five of this act.

17 (b) The new offices of full-time city court judge in the cities of
18 Buffalo, Newburgh, Rochester, Schenectady, Syracuse, Troy and Yonkers,
19 respectively, shall first be filled by election at the next general
20 election at which they can be filled for a full term to commence January
21 first next thereafter. For each of the offices of full-time city court
22 judge established in the cities of Binghamton and Lockport by paragraph

23 (i) of subdivision (a) of this section, upon the first occurrence of a
24 vacancy in such office following the effective date of this section,
25 such office shall be filled by election for a term commencing the first
26 day of January next succeeding the election.

27 S 7. (a) In the event that the compensation to be paid a judge of a
28 city court, as prescribed by this act or any other provision of law, is
29 lower than the compensation being paid such judge immediately prior to
30 the effective date of this section, such judge shall, for as long as he
31 or she holds the office in which he or she is serving on such effective
32 date, receive such higher compensation (plus any increases thereto as
33 shall thereafter be provided by law).

34 (b) Notwithstanding any provision of this act, this act shall not
35 extend or diminish any term of judicial office commenced prior to the
36 effective date of this section.

37 S 8. This act shall take effect on the first of April next succeeding
38 the date on which it shall have become a law; provided, however, that no
39 changes in the number or compensation of judges, as provided in sections
40 two and five of this act, may take effect in a city in which a full-time
41 judgeship replaces a part-time judgeship pursuant to this act until
42 authorized under section six of this act.