

4043--A

2013-2014 Regular Sessions

I N S E N A T E

March 5, 2013

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- 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
21 THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY
22 COURT may reside anywhere in Albany county.

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

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

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

7 Par. Name of city

8 1 Albany, [four] FIVE full-time [and one part-time];
9 2 Amsterdam, one full-time and one part-time;
10 3 Auburn, one full-time and one part-time;
11 4 Batavia, one full-time and one part-time;
12 5 Beacon, one full-time and one part-time;
13 6 Binghamton, [two] THREE full-time [and one part-time];
14 7 Buffalo, [thirteen] FOURTEEN full-time;
15 8 Canandaigua, one full-time and one part-time;
16 9 Cohoes, two;
17 10 Corning, one full-time and one part-time;
18 11 Cortland, one full-time and one part-time;
19 12 Dunkirk, one full-time and one part-time;
20 13 Elmira, two full-time;
21 14 Fulton, one full-time and one part-time;
22 15 Geneva, three;
23 16 Glen Cove, two;
24 17 Glens Falls, one full-time and one part-time;
25 18 Gloversville, one full-time and one part-time;
26 19 Hornell, two;
27 20 Hudson, two;
28 21 Ithaca, [one] TWO full-time [and one part-time];
29 22 Jamestown, [one] TWO full-time [and one part-time];
30 23 Johnstown, two;
31 24 Kingston, [one] TWO full-time [and one part-time];
32 25 Lackawanna, one full-time and one part-time;
33 26 Little Falls, two;
34 27 Lockport, [one] TWO full-time [and one part-time];
35 28 Long Beach, two full-time;
36 29 Mechanicville, two;
37 30 Middletown, [one] TWO full-time [and one part-time];
38 31 Mount Vernon, three full-time and one part-time;
39 32 Newburgh, [two] THREE full-time;
40 33 New Rochelle, [two] THREE full-time [and one part-time];
41 34 Niagara Falls, four full-time;
42 35 North Tonawanda, one full-time and one part-time;
43 36 Norwich, [two] ONE FULL-TIME AND ONE PART-TIME;
44 37 Ogdensburg, one full-time and one part-time;
45 38 Olean, one full-time and one part-time;
46 39 Oneida, [two] ONE FULL-TIME AND ONE PART-TIME;
47 40 Oneonta, [two] ONE FULL-TIME AND ONE PART-TIME;
48 41 Oswego, one full-time and one part-time;
49 42 Peekskill, one full-time and one part-time;
50 43 Plattsburgh, one full-time and one part-time;
51 44 Port Jervis, two;
52 45 Poughkeepsie, two full-time;
53 46 Rensselaer, two;
54 47 Rochester, [nine] TEN full-time;
55 48 Rome, [one] TWO full-time [and one part-time];
56 49 Rye, one full-time and one part-time;

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

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

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

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

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

47 by the mayor of the city for which the court on which he or she will
48 serve has been established: [part-time city court judge of Binghamton,]
49 city court judges of Cohoes, part-time city court judge of Dunkirk,
50 part-time city court judge of Fulton, city court judge of Geneva who
51 serves in the office that formerly was that of acting city court judge
52 of Geneva, city court judge of Hornell who serves in the office that
53 formerly was that of acting city court judge of Hornell, city court
54 judge of Hudson who serves in the office that formerly was that of
55 acting city court judge of Hudson, [part-time] city court judge of King-
56 ston WHO SERVES IN THE OFFICE THAT ON MARCH THIRTY-FIRST, TWO THOUSAND

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

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

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

40 City	Title	
41 Albany	City Court Judge (FT)	113,900
42 [Albany	City Court Judge	54,400]
43 Amsterdam	City Court Judge (FT)	108,800
44 Amsterdam	City Court Judge	27,200
45 Auburn	City Court Judge (FT)	108,800
46 Auburn	City Court Judge	[27,200] 54,400
47 Batavia	City Court Judge (FT)	108,800
48 Batavia	City Court Judge	27,200
49 Beacon	City Court Judge (FT)	108,800
50 Beacon	City Court Judge	27,200
51 Binghamton	City Court Judge (FT)	108,800
52 [Binghamton	City Court Judge	54,400]
53 Buffalo	Chief Judge (FT)	115,100
54 Buffalo	City Court Judge (FT)	113,900

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

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

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

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

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

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

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

15 (b) The new offices of full-time city court judge in the cities of
16 Buffalo, Newburgh, Rochester, Schenectady, Syracuse, Troy and Yonkers,
17 respectively, shall first be filled by election at the next general
18 election at which they can be filled for a full term to commence January
19 first next thereafter. For each of the offices of full-time city court
20 judge established in the cities of Binghamton and Lockport by paragraph
21 (i) of subdivision (a) of this section, upon the first occurrence of a
22 vacancy in such office following the effective date of this section,
23 such office shall be filled by election for a term commencing the first
24 day of January next succeeding the election.

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

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

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