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

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:

Section 1. Paragraph 1 of subdivision (b) 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:

(1) be an attorney admitted to practice law in this state for at least five years as of the date he or she commences the duties of office, and be a resident of the city in which he or she is elected or appointed, except that the judges of the Sherrill city court may reside anywhere in either Oneida or Madison counties, the city court judge who serves in the office that formerly was that of acting judge of the Oneida city court may reside anywhere in Madison county, the judges of the Peekskill city court may reside anywhere in Westchester county, the city court judge who serves in the office that formerly was that of acting judge of the Port Jervis city court may reside anywhere in either Sullivan or Orange counties, the judges of the Hudson city court may reside anywhere in Columbia county, the city court judge who serves in the office that formerly was that of acting judge of the Mechanicville city court may reside anywhere in Saratoga county, the judges of the Ogdensburg city court may reside anywhere in St. Lawrence county, the judges of the Rensselaer city court may reside anywhere in Rensselaer county and one judge of the Cohoes city court AND THE CITY COURT JUDGE WHO SERVES IN THE OFFICE THAT FORMERLY WAS THAT OF ACTING JUDGE OF THE WATERVLIET CITY COURT may reside anywhere in Albany county.

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

LBD09321-02-3

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;
48	Rome, [one] TWO full-time [and one part-time];
49	Rye, one full-time and one part-time;

50 Salamanca, two;
51 Saratoga Springs, [one] TWO full-time [and one part-time];
52 Schenectady, [three] FOUR full-time;
53 Sherrill, one;
54 Syracuse, [eight] NINE full-time;
55 Tonawanda, one full-time and one part-time;
56 Troy, [one] TWO full-time and one part-time;
57 Utica, three full-time;
58 Watertown, [one] TWO full-time [and one part-time];
59 Watervliet, two;
60 White Plains, [three] FOUR full-time [and one part-time];
61 Yonkers, [six] SEVEN full-time.

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

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

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

S 4. The opening paragraph of subparagraph (iii) of paragraph 1 of subdivision (e) 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:

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

FOURTEEN WAS PART-TIME, part-time city court judge of Lackawanna, city court judge of Little Falls who serves in the office that formerly was that of acting CITY court judge of Little Falls, [part-time city court judge of Lockport,] city court judge of Mechanicville who serves in the office that formerly was that of acting city court judge of Mechanicville, [part-time] city court judge of Middletown WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Mount Vernon, [part-time] city court judge of New Rochelle [and full-time city court judge of such city who serves in the office created during the calendar year commencing January first, two thousand one] WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN AND THE CITY COURT JUDGE OF SUCH CITY WHO SERVES IN THE OFFICE THAT ON JANUARY FIRST, TWO THOUSAND THIRTEEN WAS AN APPOINTIVE OFFICE PURSUANT TO THIS SUBPARAGRAPH, part-time city court judge of North Tonawanda, part-time city court judge of Ogdensburg, PART-TIME city court judge of Oneida [who serves in the office that formerly was that of acting city court judge of Oneida], PART-TIME city court judge of Oneonta [who serves in the office that formerly was that of acting city court judge of Oneonta], part-time city court judge of Oswego, city court judges of Poughkeepsie, city court judge of Rensselaer who serves in the office that formerly was that of acting city court judge of Rensselaer, [part-time] city court judge of Saratoga Springs WHO SERVES IN THE OFFICE THAT WAS CREATED DURING THE CALENDAR YEAR COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN, part-time city court judge of Tonawanda and city court judge of Watervliet who serves in the office that formerly was that of acting city court judge of Watervliet. Provided, however, the following special provisions shall be applicable in the city of Poughkeepsie:

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

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

City	Title	
Albany	City Court Judge (FT)	113,900
[Albany	City Court Judge	54,400]
Amsterdam	City Court Judge (FT)	108,800
Amsterdam	City Court Judge	27,200
Auburn	City Court Judge (FT)	108,800
Auburn	City Court Judge	[27,200] 54,400
Batavia	City Court Judge (FT)	108,800
Batavia	City Court Judge	27,200
Beacon	City Court Judge (FT)	108,800
Beacon	City Court Judge	27,200
Binghamton	City Court Judge (FT)	108,800
[Binghamton	City Court Judge	54,400]
Buffalo	Chief Judge (FT)	115,100
Buffalo	City Court Judge (FT)	113,900

Canandaigua	City Court Judge (FT)	108,800	
Canandaigua	City Court Judge	27,200	
Cohoes	City Court Judge	54,400	
Corning	City Court Judge (FT)	108,800	
Corning	City Court Judge	27,200	
Cortland	City Court Judge (FT)	108,800	
Cortland	City Court Judge	[27,200]	54,400
Dunkirk	City Court Judge (FT)	108,800	
Dunkirk	City Court Judge	27,200	
Elmira	City Court Judge (FT)	108,800	
Fulton	City Court Judge (FT)	108,800	
Fulton	City Court Judge	27,200	
Geneva	City Court Judge	54,400	
Geneva	City Court Judge	27,200	
Glen Cove	City Court Judge	54,400	
Gloversville	City Court Judge (FT)	108,800	
Gloversville	City Court Judge	27,200	
Glens Falls	City Court Judge (FT)	108,800	
Glens Falls	City Court Judge	27,200	
Hornell	City Court Judge	54,400	
Hornell	City Court Judge	27,200	
Hudson	City Court Judge	54,400	
Hudson	City Court Judge	27,200	
Ithaca	City Court Judge (FT)	108,800	
[Ithaca	City Court Judge	54,400]	
Jamestown	City Court Judge (FT)	108,800	
[Jamestown	City Court Judge	54,400]	
Johnstown	City Court Judge	54,400	
Johnstown	City Court Judge	27,200	
Kingston	City Court Judge (FT)	108,800	
[Kingston	City Court Judge	54,400]	
Lackawanna	City Court Judge (FT)	108,800	
Lackawanna	City Court Judge	54,400	
Lockport	City Court Judge (FT)	108,800	
[Lockport	City Court Judge	54,400]	
Long Beach	City Court Judge (FT)	118,300	
Little Falls	City Court Judge	27,200	
Mechanicville	City Court Judge	27,200	
Middletown	City Court Judge (FT)	108,800	
[Middletown	City Court Judge	54,400]	
Mount Vernon	City Court Judge (FT)	118,300	
Mount Vernon	City Court Judge	54,400	
Newburgh	City Court Judge (FT)	108,800	
Niagara Falls	Chief Judge (FT)	115,100	
Niagara Falls	City Court Judge (FT)	113,900	
Norwich	City Court Judge (FT)	[54,400]	108,800
Norwich	City Court Judge	27,200	
New Rochelle	City Court Judge (FT)	118,300	
[New Rochelle	City Court Judge	54,400]	
North Tonawanda	City Court Judge (FT)	108,800	
North Tonawanda	City Court Judge	54,400	
Ogdensburg	City Court Judge (FT)	108,800	
Ogdensburg	City Court Judge	27,200	
Olean	City Court Judge (FT)	108,800	
Olean	City Court Judge	27,200	
Oneida	City Court Judge (FT)	[54,400]	108,800

Oneida	City Court Judge	27,200
Oneonta	City Court Judge(FT)	[54,400] 108,800
Oneonta	City Court Judge	27,200
Oswego	City Court Judge (FT)	108,800
Oswego	City Court Judge	27,200
Peekskill	City Court Judge (FT)	108,800
Peekskill	City Court Judge	54,400
Poughkeepsie	City Court Judge (FT)	108,800
Plattsburgh	City Court Judge (FT)	108,800
Plattsburgh	City Court Judge	27,200
Port Jervis	City Court Judge	54,400
[Port Jervis	City Court Judge	27,200]
Rensselaer	City Court Judge	54,400
Rensselaer	City Court Judge	27,200
Rochester	Chief Judge (FT)	115,100
Rochester	City Court Judge (FT)	113,900
Rome	City Court Judge (FT)	113,900
[Rome	City Court Judge	54,400]
Rye	City Court Judge (FT)	108,800
Rye	City Court Judge	[27,200] 54,400
Salamanca	City Court Judge	54,400
SALAMANCA	CITY COURT JUDGE	27,200
Saratoga Springs	City Court Judge (FT)	108,800
[Saratoga Springs	City Court Judge	54,400]
Schenectady	City Court Judge (FT)	108,800
Sherrill	City Court Judge	27,200
Syracuse	Chief Judge (FT)	115,100
Syracuse	City Court Judge (FT)	113,900
Tonawanda	City Court Judge (FT)	108,800
Tonawanda	City Court Judge	54,400
Troy	City Court Judge (FT)	113,900
Troy	City Court Judge	81,600
Utica	Chief Judge (FT)	115,100
Utica	City Court Judge (FT)	113,900
Watertown	City Court Judge (FT)	108,800
[Watertown	City Court Judge	27,200]
Watervliet	City Court Judge	54,400
[Watervliet	City Court Judge	27,200]
White Plains	City Court Judge (FT)	116,800
[White Plains	City Court Judge	54,400]
Yonkers	Chief Judge (FT)	119,500
Yonkers	City Court Judge (FT)	118,300

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

(a) On the effective date of this section:

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

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

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

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

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

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

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