

9711--A

I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. BUCHWALD -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

3 (D) (I) APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE
4 MADE IN ACCORDANCE WITH SUBDIVISION (A) OF SECTION FIFTY-FIVE HUNDRED
5 THIRTEEN OF THE CIVIL PRACTICE LAW AND RULES.

6 (II) AN APPEAL FROM AN AGENCY TAKEN FROM AN ORDER OF THE COURT REQUIR-
7 ING DISCLOSURE OF ANY OR ALL RECORDS SOUGHT:

8 (A) SHALL BE GIVEN PREFERENCE;

9 (B) SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS
10 THE PRESIDING JUSTICE MAY DIRECT, UPON APPLICATION OF ANY PARTY TO THE
11 PROCEEDING; AND

12 (C) SHALL BE DEEMED ABANDONED IF THE AGENCY FAILS TO SERVE AND FILE A
13 RECORD AND BRIEF WITHIN SIXTY DAYS AFTER THE DATE OF SERVICE UPON THE
14 PETITIONER OF THE NOTICE OF APPEAL, UNLESS CONSENT TO FURTHER EXTENSION
15 IS GIVEN BY ALL PARTIES, OR UNLESS FURTHER EXTENSION IS GRANTED BY THE
16 COURT UPON SUCH TERMS AS MAY BE JUST AND UPON GOOD CAUSE SHOWN.

17 S 2. Rule 5521 of the civil practice law and rules, as amended by
18 chapter 582 of the laws of 1991, subdivision (b) as amended by section
19 65 of part A of chapter 3 of the laws of 2005, is amended to read as
20 follows:

21 Rule 5521. Preferences. (a) Preferences in the hearing of an appeal
22 may be granted in the discretion of the court to which the appeal is
23 taken.

24 (b) Consistent with the provisions of section one thousand one hundred
25 twelve of the family court act, appeals from orders, judgments or
26 decrees in proceedings brought pursuant to articles three, seven, ten

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

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1 and ten-A and parts one and two of article six of the family court act,
2 and pursuant to sections three hundred fifty-eight-a, three hundred
3 eighty-three-c, three hundred eighty-four, and three hundred eighty-
4 four-b of the social services law, AND PURSUANT TO PARAGRAPH (D) OF
5 SUBDIVISION FOUR OF SECTION EIGHTY-NINE OF THE PUBLIC OFFICERS LAW,
6 shall be given preference and may be brought on for argument on such
7 terms and conditions as the court may direct without the necessity of a
8 motion.
9 S 3. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.