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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. BUCHWALD, ORTIZ, PAULIN, JAFFEE, LUPARDO, GALEF, WEPRIN, ABINANTI, KAVANAGH -- Multi-Sponsored by -- M. of A. COLTON, COOK, GLICK, GOTTFRIED, LIFTON, MAGEE, SCARBOROUGH, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, 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) APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE MADE
4 IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN THIRTY DAYS AFTER
5 SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER
6 APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. AN APPEAL TAKEN FROM AN
7 ORDER OF THE COURT REQUIRING DISCLOSURE OF ANY OR ALL RECORDS SOUGHT
8 SHALL BE GIVEN PREFERENCE, SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH
9 TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT UPON APPLICA-
10 TION OF ANY PARTY TO THE PROCEEDING, AND SHALL BE DEEMED ABANDONED WHEN
11 AN AGENCY FAILS TO SERVE AND FILE A RECORD AND BRIEF WITHIN SIXTY DAYS
12 AFTER THE DATE OF THE NOTICE OF APPEAL. FAILURE BY AN AGENCY TO SERVE
13 AND FILE A RECORD AND BRIEF WITHIN THE ALLOTTED TIME SHALL RESULT IN THE
14 DISMISSAL OF THE APPEAL.
15 S 2. This act shall take effect immediately.

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

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