

7567

I N S E N A T E

May 10, 2016

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the village law and the criminal procedure law, in relation to village justices

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

- 1 Section 1. Paragraph a of subdivision 2 of section 3-301 of the
2 village law, as amended by chapter 555 of the laws of 2006, is amended
3 to read as follows:
4 a. except as provided in section 3-303 of this article, no more than
5 two village justices, but in the event a village has one justice, it
6 shall also have an [acting] ASSOCIATE justice who shall serve when
7 requested by the village justice or in the absence or inability of the
8 village justice to serve. The office of village justice is continued in
9 every village in which it is now established. The board of trustees of
10 any other village may establish such office by resolution or local law,
11 subject to a permissive referendum. The board of trustees of any village
12 by resolution or local law, subject to permissive referendum, may abolish
13 such office, but to take effect only upon the expiration of the then
14 current term of such office, or establish the office of additional
15 village justices, which justice once elected shall have all the powers
16 and duties of a village justice. The resolution or local law in the
17 latter case shall provide for a term pursuant to section 3-302 of this
18 article. The clerk of the court of a village shall be discharged from
19 employment only upon the advice and consent of the village justice or
20 justices when the clerk, in his or her village duties, works solely for
21 the village justice or justices.
22 S 2. Subdivision 6 of section 10.10 of the criminal procedure law is
23 amended to read as follows:
24 6. "Village court." A "village court" is comprised of the justice of a
25 village, or all the justices thereof if there be more than one, or, at a
26 time when he or they are absent, an [acting] ASSOCIATE justice of a
27 village who is authorized to perform the functions of a village justice
28 during his absence.
29 S 3. 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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