STATE OF NEW YORK

6770

2017-2018 Regular Sessions

IN SENATE

June 16, 2017

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to establish a single town court to serve the towns of Erin and Chemung

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. (a) The legislature hereby finds and declares that:

(i) In 2016, the towns of Erin and Chemung, in Chemung county, acted in concert in an effort to establish a single town court having jurisdiction in both towns; and

(ii) in undertaking this effort, the two towns inadvertently failed to comply with the necessary provisions of law - subdivision 1 of section 106-a of the uniform justice court act, as amended by chapter 205 of the laws of 2016 - setting forth the process that must be followed in order to establish a single town court serving the two towns, and section 106-b of the uniform justice court act, as added by chapter 87 of the laws of 2008 - setting forth the process that must be followed in order to provide for the election of a single town justice for the two towns.

(b) Notwithstanding any law to the contrary, such steps as the towns of Erin and Chemung have heretofore taken to establish a single town court having jurisdiction in both towns shall be deemed sufficient to constitute such single town court solely for the period from the effective date of this act through December 31, 2017. Each of the town justices of the towns of Erin and Chemung, in office on the effective date of this act, shall be and shall serve as a town justice of such single town court.

(c) Nothing in this act shall prevent the towns of Erin and Chemung from establishing a single town court having jurisdiction in both towns pursuant to the provisions of section 106-a of the uniform justice court act, provided, however, such a court shall not be established prior to January 1, 2018.

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

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(d) Notwithstanding that the towns of Erin and Chemung are not adjacent to each other, the two towns may provide for the election of a single town judge by complying with all other requirements of section 106-b of the uniform justice court act.

§ 2. This act shall take effect immediately.