STATE OF NEW YORK

4533

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. MORINELLO, ASHBY, McDONOUGH, MANKTELOW, DeSTEFANO, SALKA, REILLY, HAWLEY, NORRIS -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to allowing city court judges to perform the duties of their position between ages 70 and 76 where they are certified to be mentally and physically able and competent

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

Section 1. The judiciary law is amended by adding a new section 115-a to read as follows:

§ 115-a. Retired city court judges. 1. Any city court judge, retired pursuant to section twenty-three of this chapter, may, upon his or her application, be certified by the administrative board for service as a retired city court judge upon findings (a) that he or she has the mental and physical capacity to perform the duties of such office and (b) that his or her services are necessary to expedite the business of the court for the city within which he or she resides. A copy of such certificate shall be filed with the appellate division of the department in which such retired justice resides and in the office of court administration.

2. Any such certification shall be valid for a term of two years beginning on the date of filing the certificate. At the expiration of such term the retired judge may be certified for additional terms of two years each by the administrative board upon findings of continued mental and physical capacity and need for his or her services. No retired judge may serve under any such certification beyond the last day of December in the year in which he or she reaches the age of seventy-six.

3. A retired judge so certified shall for all purposes including powers, duties, salary status and rights, be a city court in the district in which he or she resides when so certified. A retired judge

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

LBD08780-01-1

shall be subject to assignment by the appellate division of the supreme court of the judicial department of his or her residence.

4. This section shall not apply to any judge of a court for the city of New York.

§ 2. This act shall take effect immediately.