

STATE OF NEW YORK

9401

IN ASSEMBLY

March 1, 2022

Introduced by M. of A. LAVINE -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 6 of the constitution, in relation to consolidation of the unified court system, and to repeal sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c, 37 and subdivision j of section 22 of article 6 of the constitution relating thereto

Section 1. Resolved (if the Senate concur), That section 1 of article 6 of the constitution be amended to read as follows:

Section 1. a. There shall be a unified court system for the state. The state-wide courts shall consist of the court of appeals~~[,]~~ and the supreme court including the appellate divisions and the appellate terms thereof~~[, the court of claims, the county court, the surrogate's court and the family court,]~~ as hereinafter provided. ~~[The legislature shall establish in and for the city of New York, as part of the unified court system for the state, a single, city-wide court of civil jurisdiction and a single, city-wide court of criminal jurisdiction, as hereinafter provided, and may upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city-wide court of both civil and criminal jurisdiction.]~~ The unified court system for the state shall also include the ~~[district]~~ municipal, town, ~~[city]~~ and village courts ~~[outside the city of New York,]~~ as hereinafter provided.

b. The court of appeals, the supreme court including the appellate divisions and the appellate terms thereof as hereinafter provided, the ~~[court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York]~~ municipal courts, and such other courts as the legislature may determine shall be courts of record.

c. All processes, warrants, and other mandates of the court of appeals~~[,]~~ and the supreme court including the appellate divisions and the appellate terms thereof~~[, the court of claims, the county court, the surrogate's court and the family court]~~ as hereinafter provided may be served and executed in any part of the state. All processes, warrants,

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

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1 and other mandates of the municipal courts [~~or court of civil and crimi-~~
2 ~~nal jurisdiction of the city of New York~~] may, subject to such limita-
3 tion as may be prescribed by the legislature provided it applies
4 uniformly to all municipal courts, be served and executed in any part of
5 the state. The legislature may provide that processes, warrants, and
6 other mandates of [~~the district court may be served and executed in any~~
7 ~~part of the state and that processes, warrants and other mandates of~~
8 town[,] and village [~~and city~~] courts [~~outside the city of New York~~] may
9 be served and executed in any part of the county in which such courts
10 are located or in any part of any adjoining county.

11 § 2. Resolved (if the Senate concur), That subdivisions a, b, d and f
12 of section 2 of article 6 of the constitution be amended to read as
13 follows:

14 a. The court of appeals is continued. It shall consist of [~~the~~] a
15 chief judge and [~~the~~] six [~~elected~~] associate judges [~~now in office, who~~
16 ~~shall hold their offices until the expiration of their respective terms,~~
17 ~~and their successors~~], and such justices of the supreme court as may be
18 designated for service in said court as hereinafter provided. The [~~offi-~~
19 ~~cial~~] terms of the chief judge and the six associate judges shall be
20 fourteen years.

21 Five members of the court shall constitute a quorum, and the concur-
22 rence of four shall be necessary to a decision; but no more than seven
23 judges shall sit in any case. In case of the temporary absence or
24 inability to act of any judge of the court of appeals, the court may
25 designate any justice of the supreme court to serve as associate judge
26 of the court during such absence or inability to act. The court shall
27 have power to appoint and to remove its clerk. The powers and jurisdic-
28 tion of the court shall not be suspended for want of appointment when
29 the number of judges is sufficient to constitute a quorum.

30 b. Whenever and as often as the court of appeals shall certify to the
31 governor that the court is unable, by reason of the accumulation of
32 causes pending therein, to hear and dispose of the same with reasonable
33 speed, the governor shall designate such number of justices of the
34 supreme court as may be so certified to be necessary, but not more than
35 four, to serve as associate judges of the court of appeals. The justices
36 so designated shall be relieved, while so serving, from their duties as
37 justices of the supreme court, and shall serve as associate judges of
38 the court of appeals until the court shall certify that the need for the
39 services of any such justices no longer exists, whereupon they shall
40 return to the supreme court. The governor may fill vacancies among such
41 designated judges. No such justices shall serve as associate judge of
42 the court of appeals except while holding the office of justice of the
43 supreme court. The designation of a justice of the supreme court as an
44 associate judge of the court of appeals shall not be deemed to affect
45 [~~his or her~~] such justice's existing office any longer than until the
46 expiration of [~~his or her~~] such justice's designation as such associate
47 judge, nor to create a vacancy.

48 d. (1) The commission on judicial nomination shall consist of twelve
49 members of whom four shall be appointed by the governor, four by the
50 chief judge of the court of appeals, and one each by the speaker of the
51 assembly, the temporary president of the senate, the minority leader of
52 the senate, and the minority leader of the assembly. Of the four members
53 appointed by the governor, no more than two shall be enrolled in the
54 same political party, two shall be members of the bar of the state, and
55 two shall not be members of the bar of the state. Of the four members
56 appointed by the chief judge of the court of appeals, no more than two

1 shall be enrolled in the same political party, two shall be members of
2 the bar of the state, and two shall not be members of the bar of the
3 state. No member of the commission shall hold or have held any judicial
4 office or hold any elected public office for which ~~[he or she]~~ such
5 member receives compensation during ~~[his or her]~~ such member's period of
6 service, except that the governor and the chief judge may each appoint
7 no more than one former judge or justice of the unified court system to
8 such commission. No member of the commission shall hold any office in
9 any political party. No member of the judicial nominating commission
10 shall be eligible for appointment to judicial office in any court of the
11 state during the member's period of service or within one year thereaft-
12 er.

13 (2) The members ~~[first appointed by the governor shall have respec-~~
14 ~~tively one, two, three and four year terms as the governor shall desig-~~
15 ~~nate. The members first appointed by the chief judge of the court of~~
16 ~~appeals shall have respectively one, two, three and four year terms as~~
17 ~~the chief judge shall designate. The member first appointed by the~~
18 ~~temporary president of the senate shall have a one year term. The member~~
19 ~~first appointed by the minority leader of the senate shall have a two-~~
20 ~~year term. The member first appointed by the speaker of the assembly~~
21 ~~shall have a four year term. The member first appointed by the minority~~
22 ~~leader of the assembly shall have a three year term. Each subsequent~~
23 ~~appointment shall be]~~ of the commission shall each serve for a term of
24 four years.

25 (3) The commission shall designate one of their number to serve as
26 chairperson.

27 (4) The commission shall consider the qualifications of candidates for
28 appointment to the offices of judge and chief judge of the court of
29 appeals and, whenever a vacancy in those offices occurs, shall prepare a
30 written report and recommend to the governor persons who are well quali-
31 fied for those judicial offices.

32 f. When a vacancy occurs in the office of chief judge or associate
33 judge of the court of appeals and the senate is not in session to give
34 its advice and consent to an appointment to fill the vacancy, the gover-
35 nor shall fill the vacancy by interim appointment upon the recommenda-
36 tion of a commission on judicial nomination as provided in this section.
37 An interim appointment shall continue until the senate shall pass upon
38 the governor's selection. If the senate confirms an appointment, the
39 judge shall serve a term as provided in subdivision a of this section
40 commencing from the date of ~~[his or her]~~ such judge's interim appoint-
41 ment. If the senate rejects an appointment, a vacancy in the office
42 shall occur sixty days after such rejection. If an interim appointment
43 to the court of appeals be made from among the justices of the supreme
44 court or the appellate divisions thereof, that appointment shall not
45 affect the justice's existing office, nor create a vacancy in the
46 supreme court, or the appellate division thereof, unless such appoint-
47 ment is confirmed by the senate and the appointee shall assume such
48 office. If an interim appointment of chief judge of the court of appeals
49 be made from among the associate judges, an interim appointment of asso-
50 ciate judge shall be made in like manner; in such case, the appointment
51 as chief judge shall not affect the existing office of associate judge,
52 unless such appointment as chief judge is confirmed by the senate and
53 the appointee shall assume such office.

54 § 3. Resolved (if the Senate concur), That subdivisions a, c, d, h and
55 j of section 4 of article 6 of the constitution be amended to read as
56 follows:

1 a. ~~(1)~~ The state shall be divided into four judicial departments. The
2 first department shall consist of the counties within the first ~~and~~
3 ~~twelfth~~ judicial ~~[district]~~ ~~districts~~ of the state. The second depart-
4 ment shall consist of the counties within the second, ninth, tenth
5 ~~[and]~~, ~~eleventh~~, ~~and thirteenth~~ judicial districts of the state. The
6 third department shall consist of the counties within the third, fourth,
7 and sixth judicial districts of the state. The fourth department shall
8 consist of the counties within the fifth, seventh, and eighth judicial
9 districts of the state. ~~[Each department shall be bounded by the lines~~
10 ~~of judicial districts.]~~

11 (2) Once every ten years, the legislature may ~~increase or decrease the~~
12 ~~number of judicial departments, or~~ alter the boundaries of the judicial
13 departments~~[, but without changing the number thereof]~~. ~~Upon any~~
14 ~~adjustment hereunder, each department shall be bounded by the lines of~~
15 ~~judicial districts, and the justices of each appellate division affected~~
16 ~~by such adjustment may be re-apportioned, and appeals in their respec-~~
17 ~~tive courts transferred, as provided by subdivision g of section twen-~~
18 ~~ty-seven of this article.~~

19 c. The governor shall designate the presiding justice of each appel-
20 late division, who shall act as such during ~~[his or her]~~ ~~such justice's~~
21 term of office and shall be a resident of the department. The other
22 justices of the appellate divisions shall be designated by the governor,
23 from all the justices ~~[elected to]~~ ~~of~~ the supreme court ~~other than those~~
24 ~~appointed to fill a vacancy pursuant to subdivision a of section fifteen~~
25 ~~of this article,~~ for terms of five years or the unexpired portions of
26 their respective terms of office, if less than five years.

27 d. The ~~[justices heretofore designated shall continue to sit in the~~
28 ~~appellate divisions until the terms of their respective designations~~
29 ~~shall expire. From time to time as the terms of the designations expire,~~
30 ~~or vacancies occur, the governor shall make new designations. The]~~
31 governor may also, on request of any appellate division, make temporary
32 designations in case of the absence or inability to act of any justice
33 in such appellate division, for service only during such absence or
34 inability to act.

35 h. A justice of the appellate division of the supreme court in any
36 department may be temporarily designated by the presiding justice of
37 ~~[his or her]~~ ~~such~~ department to the appellate division in another judi-
38 cial department upon agreement by the presiding justices of the appel-
39 late division of the departments concerned.

40 j. No justice of the appellate division shall, within the department
41 to which ~~[he or she]~~ ~~such justice~~ may be designated to perform the
42 duties of an appellate justice, exercise any of the powers of a justice
43 of the supreme court, other than those of a justice out of court, and
44 those pertaining to the appellate division, except that the justice may
45 decide causes or proceedings theretofore submitted, or hear and decide
46 motions submitted by consent of counsel, but any such justice, when not
47 actually engaged in performing the duties of such appellate justice in
48 the department to which ~~[he or she]~~ ~~such justice~~ is designated, may hold
49 any term of the supreme court and exercise any of the powers of a
50 justice of the supreme court in any judicial district in any other
51 department of the state.

52 § 4. Resolved (if the Senate concur), That subdivisions a, b, c and d
53 of section 6 of article 6 of the constitution be amended to read as
54 follows:

55 a. The state shall be divided into ~~[eleven]~~ ~~thirteen~~ judicial
56 districts. The first judicial district shall consist of the ~~[counties]~~

1 county of [~~Bronx and~~] New York. The second judicial district shall
2 consist of the [~~counties~~] county of Kings [~~and Richmond~~]. The third
3 judicial district shall consist of the counties of Albany, Columbia,
4 Greene, Rensselaer, Schoharie, Sullivan, and Ulster. The fourth judicial
5 district shall consist of the counties of Clinton, Essex, Franklin,
6 Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady,
7 Warren and Washington. The fifth judicial district shall consist of the
8 counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego.
9 The sixth judicial district shall consist of the counties of Broome,
10 Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga
11 and Tompkins. The seventh judicial district shall consist of the coun-
12 ties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and
13 Yates. The eighth judicial district shall consist of the counties of
14 Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and
15 Wyoming. The ninth judicial district shall consist of the counties of
16 Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial
17 district shall consist of the counties of Nassau and Suffolk. The elev-
18 enth judicial district shall consist of the county of Queens. The
19 twelfth judicial district shall consist of the county of Bronx. The
20 thirteenth judicial district shall consist of the county of Richmond.

21 b. Once every ten years the legislature may increase or decrease the
22 number of judicial districts or alter the composition of judicial
23 districts and thereupon re-apportion the justices [~~to be thereafter~~
24 ~~elected~~] of the supreme court in the judicial districts so altered. Each
25 judicial district shall be bounded by county lines.

26 c. [~~The~~] Except as otherwise provided in this article, the justices of
27 the supreme court shall be chosen by the electors of the judicial
28 district in which they are to serve[~~-. The~~] for terms of [~~justices of the~~
29 ~~supreme court shall be~~] fourteen years from and including the first day
30 of January next after their election.

31 d. The supreme court is continued. [~~It shall consist of the number of~~
32 ~~justices of the supreme court including the justices designated to the~~
33 ~~appellate divisions of the supreme court, judges of the county court of~~
34 ~~the counties of Bronx, Kings, Queens and Richmond and judges of the~~
35 ~~court of general sessions of the county of New York authorized by law on~~
36 ~~the thirty first day of August next after the approval and ratification~~
37 ~~of this amendment by the people, all of whom shall be justices of the~~
38 ~~supreme court for the remainder of their terms. The legislature may~~
39 ~~increase the~~] In each judicial district, it shall consist of such number
40 of justices [~~of the supreme court in any judicial district~~] as may be
41 authorized by law, except that [~~the number in any district shall not be~~
42 ~~increased to exceed one justice for fifty thousand, or fraction over~~
43 ~~thirty thousand, of the population thereof as shown by the last federal~~
44 ~~census or state enumeration. The legislature may decrease the number of~~
45 ~~justices of the supreme court in any judicial district, except that~~]:

46 (1) the number in any judicial district shall not be less than the
47 number of justices of the supreme court authorized by law in such judi-
48 cial district on [~~the effective date of this article~~] December thirty-
49 first, two thousand twenty-four; and

50 (2) there shall be at least one justice of the supreme court in each
51 county outside the city of New York chosen by the electors thereof.

52 § 5. Resolved (if the Senate concur), That section 7 of article 6 of
53 the constitution be amended to read as follows:

54 § 7. a. The supreme court and any division thereof shall have general
55 original jurisdiction in law and equity, including the jurisdiction of
56 the former court of claims following its abolition pursuant to section

1 twenty-seven of this article subject, however, to such power as the
2 legislature had to confer jurisdiction upon the court of claims, or to
3 withdraw jurisdiction therefrom, on the day immediately preceding such
4 abolition; the appellate jurisdiction of the former county court follow-
5 ing its abolition pursuant to such section twenty-seven, except that the
6 legislature may provide, in accordance with section eight of this arti-
7 cle, that one or more appellate terms shall exercise any or all of such
8 appellate jurisdiction; and [the] such other appellate jurisdiction as
9 herein provided. [In the city of New York, it] Except as the legislature
10 may otherwise provide pursuant to paragraph four of subdivision a of
11 section ten of this article, the supreme court shall have exclusive
12 jurisdiction over crimes prosecuted by indictment[, provided, however,
13 that the legislature may grant to the city wide court of criminal juris-
14 isdiction of the city of New York jurisdiction over misdemeanors prose-
15 cuted by indictment and to the family court in the city of New York
16 jurisdiction over crimes and offenses by or against minors or between
17 spouses or between parent and child or between members of the same fami-
18 ly or household].

19 b. If the legislature shall create new classes of actions and
20 proceedings, the supreme court shall have jurisdiction over such classes
21 of actions and proceedings, but the legislature may provide that another
22 court or other courts shall also have jurisdiction and that actions and
23 proceedings of such classes may be originated in such other court or
24 courts.

25 c. Except as the chief administrator of the courts may otherwise
26 provide, the supreme court shall have the following divisions effective
27 January first, two thousand twenty-eight or such other date as shall be
28 provided herein:

29 (1) a family division, for actions and proceedings for marital sepa-
30 ration, divorce, annulment of marriage and dissolution of marriage, and
31 actions and proceedings within the jurisdiction of the former family
32 court on December thirty-first, two thousand twenty-seven;

33 (2) a probate division, for actions and proceedings within the juris-
34 isdiction of the former surrogate's court on December thirty-first, two
35 thousand twenty-seven;

36 (3) a criminal division, for crimes and other violations of law;

37 (4) effective October first, two thousand twenty-five, a state claims
38 division, for actions and proceedings within the jurisdiction of the
39 former court of claims on September thirtieth, two thousand twenty-five;

40 (5) a commercial division, for civil actions and proceedings as may be
41 provided by law or prescribed by the chief administrator; and

42 (6) a general division, for all other actions and proceedings in the
43 supreme court.

44 To the extent practicable, justices assigned to any such divisions
45 shall be experienced in the business coming before them.

46 Notwithstanding any provision of this subdivision, each of the divi-
47 sions specified herein may exercise all of the supreme court's jurisdic-
48 tion under this section.

49 § 6. Resolved (if the Senate concur), That subdivisions d and e of
50 section 8 of article 6 of the constitution be amended to read as
51 follows:

52 d. If so directed by the appellate division of the supreme court in
53 the first or second judicial department establishing an appellate term,
54 [an] such appellate term shall have jurisdiction to hear and determine
55 appeals [now or hereafter authorized by law to be taken to the supreme
56 court or to the appellate division other than appeals from the supreme

~~court, a surrogate's court, the family court or appeals in criminal cases prosecuted by indictment or by information as provided in section six of article one]~~ from the municipal court in the city of New York sitting in such judicial department.

e. As may be provided by law, an appellate term shall have jurisdiction to hear and determine appeals from [~~the district~~] a municipal court outside the city of New York or from a town[~~r~~] or village [~~or city~~] court [~~outside the city of New York~~].

§ 7. Resolved (if the Senate concur), That sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c, 37 and subdivision j of section 22 of article 6 of the constitution be REPEALED.

§ 8. Resolved (if the Senate concur), That sections 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of article 6 of the constitution be renumbered sections 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28.

§ 9. Resolved (if the Senate concur), That section 9 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 9. [~~a.~~] The [~~legislature shall by law establish a single court of city-wide civil jurisdiction and a single court of city-wide criminal jurisdiction in and for the city of New York and the legislature may, upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city wide court of both civil and criminal jurisdiction. The said city-wide courts]~~ municipal court system is hereby established effective January first, two thousand thirty. Under such system:

a. There shall be a municipal court in the city of New York. It shall consist of such number of judges as may be [provided] authorized by law. The judges of the municipal court [of city-wide civil jurisdiction] in the city of New York shall be residents of such city and, except as otherwise provided in this article, shall be [chosen] selected in the manner provided by law for terms of ten years [by the electors of the counties included within the city of New York from districts within such counties established by law. The judges of the court of city-wide criminal jurisdiction shall be residents of such city and shall be appointed for terms of ten years by the mayor of the city of New York.

b. The court of city wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed twenty-five thousand dollars exclusive of interest and costs, or such smaller amount as may be fixed by law; over summary proceedings to recover possession of real property and to remove tenants therefrom and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.

c. The court of city wide criminal jurisdiction of the city of New York shall have jurisdiction over crimes and other violations of law, other than those prosecuted by indictment, provided, however, that the legislature may grant to said court jurisdiction over misdemeanors pros-

~~ecuted by indictment, and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law.~~

~~d. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article]. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.~~

b. There shall be municipal courts outside the city of New York as follows:

(1) A municipal court shall be established in each of the following: (i) the area of Nassau county, (ii) the area of Suffolk county in which a district court was established on December thirty-first, two thousand twenty-nine, and (iii) the area of any county or portion thereof outside the city of New York where such a court shall be established by the legislature pursuant to the procedures of former section sixteen of this article of the constitution in force on December thirty-first, two thousand twenty-one for the establishment of a district court.

(2) Unless the legislature shall otherwise provide, a municipal court shall be established for the area of each city outside the city of New York.

The judges of a municipal court outside the city of New York shall be residents of the county or portion thereof for which such court has been established and shall be chosen by the electors of such county or portion thereof for terms of six years; except that judges of a municipal court established pursuant to paragraph two of this subdivision shall be residents of the city for which such court is established unless otherwise provided by law, and shall be chosen in such manner and for such terms as shall be provided by law. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

c. The legislature may create districts of a municipal court outside the city of New York established pursuant to paragraph one of subdivision b of this section, which shall consist of an entire county or of an area less than a county; and may discontinue any district of such a municipal court. The judges of a municipal court for which districts have been created hereunder shall be apportioned among such districts as may be provided by law and, to the extent practicable, in accordance with the population and the volume of judicial business.

d. Each municipal court outside the city of New York shall consist of such number of judges as may be authorized by law, provided there shall be at least one judge for each municipal court and, for each municipal court in which districts have been created hereunder, at least one judge for each of such districts.

§ 10. Resolved (if the Senate concur), That article 6 of the constitution be amended by adding a new section 10 to read as follows:

§ 10. a. Once established pursuant to section nine of this article, the municipal courts shall enjoy uniform jurisdiction statewide. Such jurisdiction shall include the following classes of actions and proceedings, which shall be originated in such courts in the manner provided by law:

(1) actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels, and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed fifty thousand dollars exclusive of interest and costs,

1 or such greater amount as may be fixed by law; provided, however, that
2 the jurisdiction of the municipal court to enter judgment upon a coun-
3 terclaim for the recovery of money only shall be unlimited;

4 (2) actions and proceedings in law and equity involving the enforce-
5 ment of state and local laws for the establishment and maintenance of
6 housing standards, summary proceedings to recover possession of real
7 property and to remove tenants therefrom, and such other actions and
8 proceedings, not within the exclusive jurisdiction of the supreme court,
9 as may be provided by law;

10 (3) such equity jurisdiction as may be provided by law;

11 (4) jurisdiction over crimes and other violations of law other than
12 those prosecuted by indictment; provided, however, that the legislature
13 may grant to the municipal courts jurisdiction over misdemeanors prose-
14 cuted by indictment and over such other criminal actions and
15 proceedings, not within the exclusive jurisdiction of the supreme court,
16 as may be provided by law; and

17 (5) any other jurisdiction exercised by the former city-wide courts of
18 civil and criminal jurisdiction for the city of New York on December
19 thirty-first, two thousand twenty-nine not otherwise provided herein
20 and, where it is provided by law after such date, such further jurisdic-
21 tion as those courts might have exercised on such date had such juris-
22 isdiction then been provided by law.

23 b. The municipal court in the city of New York and such other munici-
24 pal courts outside such city as the legislature may provide shall have a
25 housing division, for actions and proceedings specified in paragraph two
26 of subdivision a of this section, and such further divisions as the
27 chief administrator of the courts may provide.

28 c. The provisions of this section shall in no way limit or impair the
29 jurisdiction of the supreme court as set forth in section seven of this
30 article.

31 § 11. Resolved (if the Senate concur), That section 11 of article 6 of
32 the constitution, as renumbered by section eight of this resolution, be
33 amended to read as follows:

34 § 11. a. Courts for towns[~~7~~] and villages [~~and cities outside the city~~
35 ~~of New York~~] are continued and shall have the jurisdiction prescribed by
36 the legislature but not in any respect greater than the jurisdiction of
37 [~~the district~~] a municipal court as provided in section [~~sixteen~~] ten of
38 this article.

39 b. The legislature may regulate such courts[~~7~~, ~~establish uniform juris-~~
40 ~~diction, practice and procedure for city courts outside the city of New~~
41 ~~York~~] and may discontinue any village [~~or city~~] court [~~outside the city~~
42 ~~of New York existing on the effective date of this article~~]. The legis-
43 lature may discontinue any town court [~~existing on the effective date of~~
44 ~~this article~~] only with the approval of a majority of the total votes
45 cast at a general election on the question of a proposed discontinuance
46 of the court in each such town affected thereby.

47 c. [~~The legislature may abolish the legislative functions on town~~
48 ~~boards of justices of the peace and provide that town councilmen be~~
49 ~~elected in their stead.~~

50 d.] The number of [~~the judges~~] justices of each of such town[~~7~~] and
51 village [~~and city~~] courts and the classification and duties of [~~the~~
52 judges] such justices shall be prescribed by the legislature. The terms,
53 method of selection and method of filling vacancies for the [~~judges~~]
54 justices of such courts shall be prescribed by the legislature[~~7~~];
55 provided, however, that the justices of town courts shall be chosen by

1 the electors of the town for terms of four years from and including the
2 first day of January next after their election.

3 § 12. Resolved (if the Senate concur), That section 13 of article 6 of
4 the constitution, as renumbered by section eight of this resolution, be
5 amended to read as follows:

6 § 13. a. The supreme court may transfer any action or proceeding,
7 except one over which it shall have exclusive jurisdiction which does
8 not depend upon the monetary amount sought, to any other court having
9 jurisdiction of the subject matter within the judicial department
10 provided that such other court has jurisdiction over the classes of
11 persons named as parties. As may be provided by law, the supreme court
12 may transfer to itself any action or proceeding originated or pending in
13 another court within the judicial department [~~other than the court of~~
14 ~~claims~~] upon a finding that such a transfer will promote the adminis-
15 tration of justice.

16 b. The [~~county court shall transfer to the supreme court or surro-~~
17 ~~gate's court or family court any action or proceeding which has not been~~
18 ~~transferred to it from the supreme court or surrogate's court or family~~
19 ~~court and over which the county court has no jurisdiction. The county~~
20 ~~court may transfer any action or proceeding, except a criminal action or~~
21 ~~proceeding involving a felony prosecuted by indictment or an action or~~
22 ~~proceeding required by this article to be dealt with in the surrogate's~~
23 ~~court or family court, to any court, other than the supreme court,~~
24 ~~having jurisdiction of the subject matter within the county provided~~
25 ~~that such other court has jurisdiction over the classes of persons named~~
26 ~~as parties.~~

27 c. ~~As may be provided by law, the supreme court or the county court~~
28 ~~may transfer to the county court any action or proceeding originated or~~
29 ~~pending in the district court or a town, village or city court outside~~
30 ~~the city of New York upon a finding that such a transfer will promote~~
31 ~~the administration of justice.~~

32 d. ~~The surrogate's court shall transfer to the supreme court or the~~
33 ~~county court or the family court or the courts for the city of New York~~
34 ~~established pursuant to section fifteen of this article any action or~~
35 ~~proceeding which has not been transferred to it from any of said courts~~
36 ~~and over which the surrogate's court has no jurisdiction.~~

37 e. ~~The family court shall transfer to the supreme court or the surro-~~
38 ~~gate's court or the county court or the courts for the city of New York~~
39 ~~established pursuant to section fifteen of this article any action or~~
40 ~~proceeding which has not been transferred to it from any of said courts~~
41 ~~and over which the family court has no jurisdiction.~~

42 f. ~~The courts for the city of New York established pursuant to section~~
43 ~~fifteen of this article] municipal court~~ shall transfer to the supreme
44 court [~~or the surrogate's court or the family court~~] any action or
45 proceeding which has not been transferred to [~~them~~] it from [~~any of said~~
46 ~~courts~~] the supreme court and over which the [~~said courts for the city~~
47 ~~of New York have~~] municipal court has no jurisdiction.

48 [~~g-~~] c. As may be provided by law, the supreme court shall transfer
49 any action or proceeding to any other court having jurisdiction of the
50 subject matter in any other judicial district or county provided that
51 such other court has jurisdiction over the classes of persons named as
52 parties.

53 [~~h-~~] d. As may be provided by law, the [~~county~~] municipal court, [~~the~~
54 ~~surrogate's court, the family court and the courts for~~] in the city of
55 New York [~~established pursuant to section fifteen of this article~~]
56 sitting outside the first judicial department, may transfer any action

1 or proceeding, other than one which has previously been transferred to
2 it, to any other court in the second judicial department, except the
3 supreme court, having jurisdiction of the subject matter [~~in any other~~
4 ~~judicial district or county~~] provided that such other court has juris-
5 diction over the classes of persons named as parties.

6 [~~i.~~] e. As may be provided by law, [~~the district~~] a municipal court
7 outside the city of New York or a town[~~7~~] or village [~~or city~~] court
8 [~~outside the city of New York~~] may transfer any action or proceeding,
9 other than one which has previously been transferred to it, to any other
10 court, [~~other than~~] except the [~~county court or the surrogate's court or~~
11 ~~the family court or the~~] supreme court, having jurisdiction of the
12 subject matter in the same or an adjoining county provided that such
13 other court has jurisdiction over the classes of persons named as
14 parties.

15 [~~j.~~] f. Each court shall exercise jurisdiction over any action or
16 proceeding transferred to it pursuant to this section.

17 [~~k.~~] g. The legislature may provide that the verdict or judgment in
18 actions and proceedings so transferred shall not be subject to the limi-
19 tation of monetary jurisdiction of the court to which the actions and
20 proceedings are transferred if that limitation be lower than that of the
21 court in which the actions and proceedings were originated.

22 § 13. Resolved (if the Senate concur), That section 14 of article 6 of
23 the constitution, as renumbered by section eight of this resolution, be
24 amended to read as follows:

25 § 14. a. No person[~~, other than one who holds such office at the~~
26 ~~effective date of this article,~~] may assume the office of judge of the
27 court of appeals[~~7~~] or justice of the supreme court[~~, or judge of the~~
28 ~~court of claims~~] unless [~~he or she~~] such person has been admitted to
29 practice law in this state at least ten years. No person[~~, other than~~
30 ~~one who holds such office at the effective date of this article,~~] may
31 assume the office of judge of [~~the county court, surrogate's court,~~
32 ~~family court, a court for the city of New York established pursuant to~~
33 ~~section fifteen of this article, district~~] a municipal court [~~or city~~
34 ~~court outside the city of New York~~] unless [~~he or she~~] such person has
35 been admitted to practice law in this state at least five years or such
36 greater number of years as the legislature may determine.

37 b. A judge of the court of appeals, justice of the supreme court,
38 [~~judge of the court of claims, judge of a county court, judge of the~~
39 ~~surrogate's court, judge of the family court~~] or judge of a municipal
40 court [~~for the city of New York established pursuant to section fifteen~~
41 ~~of this article who is elected or appointed after the effective date of~~
42 ~~this article may~~] shall not:

43 (1) hold any other public office or trust except an office in relation
44 to the administration of the courts, member of a constitutional conven-
45 tion or member of the armed forces of the United States or of the state
46 of New York in which latter event the legislature may enact such legis-
47 lation as it deems appropriate to provide for a temporary judge or
48 justice to serve during the period of the absence of such judge or
49 justice in the armed forces;

50 (2) be eligible to be a candidate for any public office other than
51 judicial office or member of a constitutional convention, unless [~~he or~~
52 ~~she~~] such judge or justice resigns from judicial office; in the event a
53 judge or justice does not so resign from judicial office within ten days
54 after [~~his or her acceptance of~~] accepting the nomination of such other
55 office, [~~his or her~~] such judge's or justice's judicial office shall

1 become vacant and the vacancy shall be filled in the manner provided in
2 this article;

3 (3) hold any office or assume the duties or exercise the powers of any
4 office of any political organization or be a member of any governing or
5 executive agency thereof;

6 (4) engage in the practice of law, act as an arbitrator, referee or
7 compensated mediator in any action or proceeding or matter or engage in
8 the conduct of any other profession or business which interferes with
9 the performance of ~~[his or her]~~ such judge's or justice's judicial
10 duties; except that, if the legislature so provides, a judge of a munic-
11 ipal court outside the city of New York established pursuant to para-
12 graph two of subdivision b of section nine of this article may engage in
13 the practice of law.

14 Judges and justices of the courts specified in this subdivision shall
15 also be subject to such rules of conduct as may be promulgated by the
16 chief administrator of the courts with the approval of the court of
17 appeals.

18 c. Qualifications for and restrictions upon justices of the ~~[judges of~~
19 ~~district,~~ town~~,~~ and village ~~[or city]~~ courts ~~[outside the city of New~~
20 ~~York, other than such qualifications and restrictions specifically set~~
21 ~~forth in subdivision a of this section,~~] shall be prescribed by the
22 legislature~~;~~ provided, however, that the legislature shall require a
23 course of training and education to be completed by such justices ~~[of~~
24 ~~town and village courts selected after the effective date of this arti-~~
25 ~~cle]~~ who have not been admitted to practice law in this state. ~~[Judges]~~
26 Justices of such courts shall also be subject to such rules of conduct
27 not inconsistent with laws as may be promulgated by the chief adminis-
28 trator of the courts with the approval of the court of appeals.

29 § 14. Resolved (if the Senate concur), That section 15 of article 6 of
30 the constitution, as renumbered by section eight of this resolution, be
31 amended to read as follows:

32 § 15. a. When a vacancy shall occur, otherwise than by expiration of
33 term, in the office of an elective justice of the supreme court~~,—of~~
34 ~~judge of the county court, of judge of the surrogate's court or judge of~~
35 ~~the family court outside the city of New York]~~, it shall be filled for a
36 full term at the next general election held not less than three months
37 after such vacancy occurs and, until the vacancy shall be so filled, the
38 governor by and with the advice and consent of the senate, if the senate
39 shall be in session, or, if the senate not be in session, the governor
40 may fill such vacancy by ~~[an]~~ appointment ~~[which]; except that, where~~
41 the vacancy is in the office of a justice who was a judge of the city-
42 wide court of civil jurisdiction of the city of New York who became a
43 justice of the supreme court pursuant to subparagraph C of paragraph one
44 of subdivision b of section twenty-seven of this article, or such
45 judge's or justice's successor in office, the mayor of the city of New
46 York shall fill such vacancy by appointment. Each appointment pursuant
47 to this subdivision shall continue until and including the last day of
48 December next after the election at which the vacancy shall be filled.

49 b. When a vacancy shall occur, otherwise than by expiration of term,
50 in the office of ~~[judge of the court of claims]~~ an appointive justice of
51 the supreme court, it shall be filled for the unexpired term in the same
52 manner as an original appointment.

53 c. When a vacancy shall occur, otherwise than by expiration of term,
54 in the office of judge elected to the ~~[city-wide]~~ municipal court ~~[of~~
55 ~~civil jurisdiction of]~~ in the city of New York, it shall be filled for a
56 full term at the next general election held not less than three months

1 after such vacancy occurs and, until the vacancy shall be so filled, the
2 mayor of the city of New York may fill such vacancy by an appointment
3 which shall continue until and including the last day of December next
4 after the election at which the vacancy shall be filled. When a vacancy
5 shall occur, otherwise than by expiration of term on the last day of
6 December of any year, in the office of judge appointed to the [~~family~~
7 ~~court within the city of New York or the city-wide~~] municipal court [~~of~~
8 ~~criminal jurisdiction of~~] in the city of New York, the mayor of the city
9 of New York shall fill such vacancy by an appointment for the unexpired
10 term; except that, where the vacancy is in the office of a judge who was
11 a housing judge of the city-wide court of civil jurisdiction of the city
12 of New York who became a judge of the municipal court pursuant to
13 subparagraph C of paragraph one of subdivision c of section twenty-seven
14 of this article, or such judge's successor in office, the mayor shall
15 fill such vacancy by appointment for the unexpired term from a list of
16 persons found qualified by an advisory council established by law.

17 d. When a vacancy shall occur, otherwise than by expiration of term,
18 in the office of judge of [~~the district~~] a municipal court outside the
19 city of New York established pursuant to paragraph one of subdivision b
20 of section nine of this article, it shall be filled for a full term at
21 the next general election held not less than three months after such
22 vacancy occurs and, until the vacancy shall be so filled, the board of
23 supervisors or the supervisor or supervisors of the [~~affected district~~]
24 area for which the court was established if such [~~district~~] area
25 consists of a portion of a county or, in counties with an elected county
26 executive officer, such county executive officer may, subject to confir-
27 mation by the board of supervisors or the supervisor or supervisors of
28 such [~~district~~] area, fill such vacancy by an appointment which shall
29 continue until and including the last day of December next after the
30 election at which the vacancy shall be filled.

31 e. When a vacancy shall occur, otherwise than by expiration of term,
32 in the office of judge of a municipal court outside the city of New York
33 established pursuant to paragraph two of subdivision b of section nine
34 of this article, it shall be filled in the manner provided by law.

35 § 15. Resolved (if the Senate concur), That subdivisions a, b, e, f
36 and g of section 16 of article 6 of the constitution, as renumbered by
37 section eight of this resolution, be amended to read as follows:

38 a. There shall be a commission on judicial conduct. The commission on
39 judicial conduct shall receive, initiate, investigate and hear
40 complaints with respect to the conduct, qualifications, fitness to
41 perform or performance of official duties of any judge or justice of the
42 unified court system, in the manner provided by law; and, in accordance
43 with subdivision d of this section, may determine that a judge or
44 justice be admonished, censured or removed from office for cause,
45 including, but not limited to, misconduct in office, persistent failure
46 to perform [~~his or her~~] the duties of office, habitual intemperance, and
47 conduct, on or off the bench, prejudicial to the administration of
48 justice, or that a judge or justice be retired for mental or physical
49 disability preventing the proper performance of [~~his or her~~] the judge's
50 or justice's judicial duties. The commission shall transmit [~~an~~*] any
51 such determination to the chief judge of the court of appeals who shall
52 cause written notice of such determination to be given to the judge or
53 justice involved. Such judge or justice may either accept the commis-
54 sion's determination or make written request to the chief judge, within
55 thirty days after receipt of such notice, for a review of such determi-
56 nation by the court of appeals.

b. (1) The commission on judicial conduct shall consist of eleven members, of whom four shall be appointed by the governor, one by the temporary president of the senate, one by the minority leader of the senate, one by the speaker of the assembly, one by the minority leader of the assembly and three by the chief judge of the court of appeals. Of the members appointed by the governor one person shall be a member of the bar of the state but not a judge or justice, two shall not be members of the bar, justices or judges or retired justices or judges of the unified court system, and one shall be a judge or justice of the unified court system. Of the members appointed by the chief judge one person shall be a justice of the appellate division of the supreme court and two shall be judges or justices of a court or courts other than the court of appeals or appellate divisions. None of the persons to be appointed by the legislative leaders shall be justices or judges or retired justices or judges.

(2) ~~[The persons first appointed by the governor shall have respectively one, two, three, and four year terms as the governor shall designate. The persons first appointed by the chief judge of the court of appeals shall have respectively two, three, and four year terms as the governor shall designate. The person first appointed by the temporary president of the senate shall have a one year term. The person first appointed by the minority leader of the senate shall have a two year term. The person first appointed by the speaker of the assembly shall have a four year term. The person first appointed by the minority leader of the assembly shall have a three year term.]~~ Each member of the commission shall be appointed ~~[thereafter]~~ for a term of four years. Commission membership of a judge or justice appointed by the governor or the chief judge shall terminate if such member ceases to hold the judicial position which qualified ~~[him or her]~~ such member for such appointment. Membership shall also terminate if a member attains a position which would have rendered ~~[him or her]~~ such member ineligible for appointment at the time of appointment. A vacancy shall be filled by the appointing officer for the remainder of the term.

e. The court of appeals may suspend a judge or justice from exercising the powers of ~~[his or her]~~ office while there is pending a determination by the commission on judicial conduct for ~~[his or her]~~ such judge's or justice's removal or retirement, or while the judge or justice is charged in this state with a felony by an indictment or an information filed pursuant to section six of article one. The suspension shall continue upon conviction and, if the conviction becomes final, the judge or justice shall be removed from office. The suspension shall be terminated upon reversal of the conviction and dismissal of the accusatory instrument. Nothing in this subdivision shall prevent the commission on judicial conduct from determining that a judge or justice be admonished, censured, removed, or retired pursuant to subdivision a of this section.

f. Upon the recommendation of the commission on judicial conduct or on its own motion, the court of appeals may suspend a judge or justice from office when ~~[he or she]~~ such judge or justice is charged with a crime punishable as a felony under the laws of this state, or any other crime which involves moral turpitude. The suspension shall continue upon conviction and, if the conviction becomes final, the judge or justice shall be removed from office. The suspension shall be terminated upon reversal of the conviction and dismissal of the accusatory instrument. Nothing in this subdivision shall prevent the commission on judicial conduct from determining that a judge or justice be admonished, censured, removed, or retired pursuant to subdivision a of this section.

g. A judge or justice who is suspended from office by the court of appeals shall receive ~~[his or her]~~ such judge's or justice's judicial salary during such period of suspension, unless the court directs otherwise. If the court has so directed and such suspension is thereafter terminated, the court may direct that the judge or justice shall be paid ~~[his or her]~~ any salary ~~[for]~~ not received during such period of suspension.

§ 16. Resolved (if the Senate concur), That section 17 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 17. a. Judges of the court of appeals and justices of the supreme court may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein.

b. Judges of ~~[the court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article,]~~ the ~~[district]~~ municipal court and such other courts as the legislature may determine may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein.

c. No judge or justice shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless ~~[he or she]~~ such judge or justice shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

§ 17. Resolved (if the Senate concur), That section 18 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 18. The assembly shall have the power of impeachment by a vote of a majority of all the members elected thereto. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or the major part of them, and the judges of the court of appeals, or the major part of them. On the trial of an impeachment against the governor or lieutenant-governor, neither the lieutenant-governor nor the temporary president of the senate shall act as a member of the court. No judicial officer shall exercise ~~[his or her]~~ the powers of office after articles of impeachment against ~~[him or her]~~ such officer shall have been preferred to the senate, until ~~[he or she]~~ such officer shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any public office of honor, trust, or profit under this state; but the party impeached shall be liable to indictment and punishment according to law.

§ 18. Resolved (if the Senate concur), That section 19 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 19. a. The compensation of a judge of the court of appeals, a justice of the supreme court, a judge of ~~[the]~~ a municipal court ~~[of claims, a judge of the county court, a judge of the surrogate's court, a judge of the family court, a judge of a court for the city of New York established pursuant to section fifteen of this article, a judge of the district court or of]~~, and a retired judge or justice shall be estab-

lished by law and shall not be diminished during the term of office for which ~~[he or she]~~ such judge or justice was elected or appointed. ~~[Any judge or justice of a court abolished by section thirty five of this article, who pursuant to that section becomes a judge or justice of a court established or continued by this article, shall receive without interruption or diminution for the remainder of the term for which he or she was elected or appointed to the abolished court the compensation he or she had been receiving upon the effective date of this article together with any additional compensation that may be prescribed by law.]~~

b. Each judge of the court of appeals, justice of the supreme court, and judge of [the] a municipal court ~~[of claims, judge of the county court, judge of the surrogate's court, judge of the family court, judge of a court for the city of New York established pursuant to section fifteen of this article and judge of the district court]~~ shall retire on the last day of December in the year in which ~~[he or she]~~ such judge or justice reaches the age of seventy. Each such former judge of the court of appeals and justice of the supreme court may thereafter perform the duties of a justice of the supreme court, with power to hear and determine actions and proceedings~~[,]~~; provided, however, that: (1) it shall be certificated in the manner provided by law that the services of such judge or justice are necessary to expedite the business of the court and that [he or she] such judge or justice is mentally and physically able and competent to perform the full duties of such office, and (2) to be eligible for certification hereunder, a judge of the court of appeals or a justice of the supreme court must have served in at least one of such offices prior to January first, two thousand twenty-five or the service of such judge or justice in one or both of such offices equals at least ten years as of the date on which such judge or justice is required to retire pursuant to this section. Any such certification shall be valid for a term of two years and may be extended as provided by law for additional terms of two years. A retired judge or justice shall serve no longer than until the last day of December in the year in which ~~[he or she]~~ such judge or justice reaches the age of seventy-six. A retired judge or justice shall be subject to assignment by the appellate division of the supreme court of the judicial department of ~~[his or her]~~ such judge's or justice's residence. Any retired justice of the supreme court who had been designated to and served as a justice of any appellate division immediately preceding ~~[his or her]~~ such justice's reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. ~~[A retired judge or justice shall not be counted in determining the number of justices in a judicial district for purposes of subdivision d of section six of this article.]~~

~~c. The provisions of this section shall also be applicable to any judge or justice who has not reached the age of seventy-six and to whom it would otherwise have been applicable but for the fact that he or she reached the age of seventy and retired before the effective date of this article.]~~

§ 19. Resolved (if the Senate concur), That section 20 of article 6 of the constitution, as renumbered by section eight of this resolution, be amended to read as follows:

§ 20. a. A justice of the supreme court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district ~~[or to the court of claims]~~. A justice of the supreme court ~~[in the city of New York]~~ may be ~~[tempo-~~

1 ~~rarily~~] assigned to ~~[the family court in the city of New York or to the~~
2 ~~surrogate's court in any county within the city of New York when~~
3 ~~required to dispose of the business]~~ any division or divisions of such
4 court.

5 b. ~~[A judge of the court of claims may perform the duties of office or~~
6 ~~hold court in any county and may be temporarily assigned to the supreme~~
7 ~~court in any judicial district.~~

8 c. ~~A judge of the county court may perform the duties of office or~~
9 ~~hold court in any county and may be temporarily assigned to the supreme~~
10 ~~court in the judicial department of his or her residence or to the coun-~~
11 ~~ty court or the family court in any county or to the surrogate's court~~
12 ~~in any county outside the city of New York or to a court for the city of~~
13 ~~New York established pursuant to section fifteen of this article.~~

14 d. ~~A judge of the surrogate's court in any county within the city of~~
15 ~~New York may perform the duties of office or hold court in any county~~
16 ~~and may be temporarily assigned to the supreme court in the judicial~~
17 ~~department of his or her residence.~~

18 e. ~~A judge of the surrogate's court in any county outside the city of~~
19 ~~New York may perform the duties of office or hold court in any county~~
20 ~~and may be temporarily assigned to the supreme court in the judicial~~
21 ~~department of his or her residence or to the county court or the family~~
22 ~~court in any county or to a court for the city of New York established~~
23 ~~pursuant to section fifteen of this article.~~

24 f. ~~A judge of the family court may perform the duties of office or~~
25 ~~hold court in any county and may be temporarily assigned to the supreme~~
26 ~~court in the judicial department of his or her residence or to the coun-~~
27 ~~ty court or the family court in any county or to the surrogate's court~~
28 ~~in any county outside of the city of New York or to a court for the city~~
29 ~~of New York established pursuant to section fifteen of this article.~~

30 g. ~~A judge of a court for the city of New York established pursuant to~~
31 ~~section fifteen of this article may perform the duties of office or hold~~
32 ~~court in any county and may be temporarily assigned to the supreme court~~
33 ~~in the judicial department of his or her residence or to the county~~
34 ~~court or the family court in any county or to the other court for the~~
35 ~~city of New York established pursuant to section fifteen of this arti-~~
36 ~~cle.~~

37 ~~h.]~~ A judge of ~~[the district]~~ a municipal court ~~[in any county]~~ may
38 perform the duties of office or hold court in any county ~~[and]~~ may be
39 ~~[temporarily]~~ assigned to ~~[the county court in the judicial department]~~
40 any district of ~~[his or her residence or to a]~~ such judge's court ~~[for~~
41 ~~the city of New York established pursuant to section fifteen of this~~
42 ~~article or]~~, and may be temporarily assigned to [the district] any
43 municipal, town, or village court in ~~[any county]~~ the judicial depart-
44 ment of such judge's residence. As may be provided by law, a judge of a
45 municipal court also may be temporarily assigned to the supreme court in
46 the judicial department of such judge's residence. Housing judges of
47 the city-wide court of civil jurisdiction established pursuant to former
48 section fifteen of this article of the constitution in force on December
49 thirty-first, two thousand twenty-one, who became judges of the muni-
50 pal court in the city of New York pursuant to subparagraph C of para-
51 graph one of subdivision c of section twenty-seven of this article and
52 their successors in office shall be assigned to the housing division of
53 such municipal court but may preside over any action or proceeding pend-
54 ing in such municipal court and may be temporarily assigned to the same
55 courts as any other municipal court judge. Any other judge of the

1 municipal court in the city of New York may be assigned to such housing
2 division.

3 ~~[i. Temporary assignments of all the foregoing judges or justices~~
4 ~~listed in this section, and of judges of the city courts pursuant to~~
5 ~~paragraph two of subdivision j of this section, shall be made by the~~
6 ~~chief administrator of the courts in accordance with standards and~~
7 ~~administrative policies established pursuant to section twenty-eight of~~
8 ~~this article.~~

9 ~~j.-(1)~~ c. The legislature may provide for temporary assignments with-
10 in the county of residence or any adjoining county~~[7]~~ of ~~[judges]~~
11 justices of town~~[7]~~ and village ~~[or city]~~ courts ~~[outside the city of~~
12 ~~New York]~~. Such assignments may include temporary assignment to a
13 municipal court outside the city of New York provided the justice so
14 assigned has been permitted to practice law in this state for at least
15 five years or such greater number of years as the legislature may deter-
16 mine.

17 ~~[(2) In addition to any temporary assignments to which a judge of a~~
18 ~~city court may be subject pursuant to paragraph one of this subdivision,~~
19 ~~such judge also may be temporarily assigned by the chief administrator~~
20 ~~of the courts to the county court, the family court or the district~~
21 ~~court within his or her county of residence or any adjoining county~~
22 ~~provided he or she is not permitted to practice law.~~

23 ~~k.]~~ d. Temporary assignments of all the foregoing judges and justices
24 listed in this section shall be made by the chief administrator of the
25 courts in accordance with standards and administrative policies estab-
26 lished pursuant to section twenty-two of this article.

27 e. While temporarily assigned pursuant to the provisions of this
28 section, any judge or justice shall have the powers, duties, and juris-
29 diction of a judge or justice of the court to which assigned. After the
30 expiration of any temporary assignment, as provided in this section, the
31 judge or justice assigned shall have all the powers, duties and juris-
32 diction of a judge or justice of the court to which ~~[he or she]~~ such
33 judge or justice was assigned with respect to matters pending before
34 ~~[him or her]~~ such judge or justice during the term of such temporary
35 assignment.

36 § 20. Resolved (if the Senate concur), That section 21 of article 6 of
37 the constitution, as renumbered by section eight of this resolution, be
38 amended to read as follows:

39 § 21. The governor may, when ~~[in his or her]~~ of the opinion that the
40 public interest requires, appoint extraordinary terms of the supreme
41 court. The governor shall designate the time and place of holding the
42 term and the justice who shall hold the term. The governor may terminate
43 the assignment of the justice and may name another justice in ~~[his or~~
44 ~~her]~~ such justice's place to hold the term.

45 § 21. Resolved (if the Senate concur), That subdivision b of section
46 22 of article 6 of the constitution, as renumbered by section eight of
47 this resolution, be amended to read as follows:

48 b. The chief administrator, on behalf of the chief judge, shall super-
49 vise the administration and operation of the unified court system. In
50 the exercise of such responsibility, the chief administrator of the
51 courts shall have such powers and duties as may be delegated to ~~[him or~~
52 ~~her]~~ the chief administrator by the chief judge and such additional
53 powers and duties as may be provided by law.

54 § 22. Resolved (if the Senate concur), That subdivision a of section
55 23 of article 6 of the constitution, as renumbered by section eight of
56 this resolution, be amended to read as follows:

1 a. The legislature shall provide for the allocation of the cost of
2 operating and maintaining the court of appeals, the appellate division
3 of the supreme court in each judicial department, the appellate terms,
4 the supreme court, and the [~~court of claims, the county court, the~~
5 ~~surrogate's court, the family court, the courts for the city of New York~~
6 ~~established pursuant to section fifteen of this article and the district~~
7 ~~court,~~] municipal courts among the state, the counties, the city of New
8 York and other political subdivisions.

9 § 23. Resolved (if the Senate concur), That section 24 of article 6 of
10 the constitution, as renumbered by section eight of this resolution, be
11 amended to read as follows:

12 § 24. The legislature shall have the same power to alter and regulate
13 the jurisdiction and proceedings in law and in equity that it has here-
14 tofore exercised. The legislature may, on such terms as it shall provide
15 and subject to subsequent modification, delegate, in whole or in part,
16 to a court, including the appellate division of the supreme court, or to
17 the chief administrator of the courts, any power possessed by the legis-
18 lature to regulate practice and procedure in the courts. The chief
19 administrator of the courts shall exercise any such power delegated to
20 [~~him or her~~] the chief administrator with the advice and consent of the
21 administrative board of the courts. Nothing herein contained shall
22 prevent the adoption of regulations by individual courts consistent with
23 the general practice and procedure as provided by statute or general
24 rules.

25 § 24. Resolved (if the Senate concur), That article 6 of the constitu-
26 tion be amended by adding a new section 27 to read as follows:

27 § 27. a. (1) The justices of the supreme court in office on December
28 thirty-first, two thousand twenty-four shall, for the remainder of the
29 terms for which they were selected, be justices of the supreme court in
30 and for the judicial district in which they were elected or for which
31 they were appointed. Retired justices who, on December thirty-first, two
32 thousand twenty-four, were authorized to perform the duties of a justice
33 of the supreme court pursuant to certification in accordance with the
34 provisions of subdivision b of former section twenty-five of this arti-
35 cle of the constitution in force on December thirty-first, two thousand
36 twenty-one, shall be certificated justices of the supreme court for the
37 remainder of the terms for which they were certificated and thereafter
38 shall be eligible for further certification in accordance with subdivi-
39 sion b of section nineteen of this article. Each designation of a
40 justice of the supreme court to the appellate division or an appellate
41 term in effect on December thirty-first, two thousand twenty-four, not
42 otherwise required to expire on account of any provision of this article
43 then in effect, shall continue in effect on January first, two thousand
44 twenty-five.

45 (2) Effective January first, two thousand twenty-five, each action and
46 proceeding pending in the supreme court on December thirty-first, two
47 thousand twenty-four shall be deemed pending in the supreme court in the
48 county in which such action or proceeding was pending on such date, or
49 otherwise as may be provided by law.

50 b. (1) Effective October first, two thousand twenty-five:

51 A. the court of claims shall be abolished;

52 B. each action and proceeding pending in the court of claims on
53 September thirtieth, two thousand twenty-five shall be deemed pending in
54 the supreme court in the county in which such action or proceeding
55 arose, or otherwise as may be provided by law;

1 C. each judge of the city-wide court of civil jurisdiction or the
2 city-wide court of criminal jurisdiction of the city of New York, as
3 established pursuant to former section fifteen of this article of the
4 constitution in force on December thirty-first, two thousand twenty-one,
5 or of the family court in such city, who, on September thirtieth, two
6 thousand twenty-five and continuously throughout the six-month period
7 immediately preceding such date, was temporarily assigned to the supreme
8 court pursuant to former section twenty-six of this article of the
9 constitution in force on December thirty-first, two thousand twenty-one
10 shall, for the remainder of the term of office in which such judge was
11 then serving, be a justice of the supreme court in and for the judicial
12 district in which such judge was elected to such term or, if appointed,
13 in which such judge resided on such date. Thereafter, the office of such
14 judge shall be an office of justice of the supreme court, to be filled
15 in the same manner and for the same term as provided by this article on
16 December thirty-first, two thousand twenty-four for a judge of the court
17 from which such judge was assigned to serve on the supreme court.

18 (2) Effective January first, two thousand twenty-eight:

19 A. the county court, the surrogate's court, and the family court shall
20 be abolished; and

21 B. each action and proceeding pending in a court abolished pursuant to
22 subparagraph A of this paragraph on December thirty-first, two thousand
23 twenty-seven shall be deemed pending in the supreme court in the county
24 in which such action or proceeding was pending on such date, or other-
25 wise as may be provided by law.

26 (3) Upon abolition of the courts specified in subparagraph A of para-
27 graph one and subparagraph A of paragraph two of this subdivision, their
28 seals, records, papers, and documents shall be deposited in the offices
29 of the clerks of the supreme court of such counties as may be provided
30 by law. Each of the judges of these courts in office on the date of
31 their abolition shall, for the remainder of the term of office for which
32 such judge was selected to the abolished court, be a justice of the
33 supreme court in and for the judicial district in which such judge was
34 elected to such term or, if appointed, in which such judge resided on
35 such date. Thereafter, the office of such judge shall be an office of
36 justice of the supreme court, to be filled in the same manner and for
37 the same term as provided by this article on December thirty-first, two
38 thousand twenty-four for the office held by the judge on the abolished
39 court.

40 c. Effective January first, two thousand thirty:

41 (1) A. the city-wide courts of civil and criminal jurisdiction for the
42 city of New York established pursuant to former section fifteen of this
43 article of the constitution in force on December thirty-first, two thou-
44 sand twenty-one shall be abolished;

45 B. each action and proceeding pending in a court abolished pursuant to
46 subparagraph A of this paragraph on December thirty-first, two thousand
47 twenty-nine shall be deemed pending in the municipal court in the city
48 of New York; and

49 C. each judge of a court specified in subparagraph A of this paragraph
50 in office on the date of its abolition shall, for the remainder of the
51 term of office such judge was then serving on the abolished court, be a
52 judge of the municipal court in the city of New York. Thereafter, such
53 judge's office shall be an office of judge of the municipal court in the
54 city of New York, to be filled in the same manner and for the same term
55 as provided by this article on December thirty-first, two thousand twen-
56 ty-four for the office held by such judge on such date. For purposes of

this paragraph, housing judges for the city-wide court of civil jurisdiction in office on December thirty-first, two thousand twenty-nine shall be deemed judges of such city-wide court of civil jurisdiction on such date; provided, however, the successors in office to each such housing judge shall be residents of the city of New York and, subject to the provisions of subdivision c of section fifteen of this article, shall be appointed for a term of ten years by the mayor of such city from a list of persons found qualified by an advisory council established by law.

(2) A. the district courts heretofore continued or established in Nassau and Suffolk counties pursuant to former section sixteen of this article of the constitution in force on December thirty-first, two thousand twenty-one shall be continued as municipal courts and deemed to have been established pursuant to paragraph one of subdivision b of section nine of this article;

B. each action and proceeding pending in a district court on December thirty-first, two thousand twenty-nine shall be deemed pending in the municipal court that is the successor to such district court established pursuant to paragraph one of subdivision b of section nine of this article; and

C. each judge of a district court in office on December thirty-first, two thousand twenty-nine shall, for the remainder of the term for which such judge was selected, be a judge of the municipal court that is the successor to such district court established pursuant to paragraph one of subdivision b of section nine of this article.

(3) A. the city courts outside the city of New York, as authorized by former section seventeen of this article of the constitution in force on December thirty-first, two thousand twenty-one, shall be continued as municipal courts for the cities in which they were located on December thirty-first, two thousand twenty-nine and shall be deemed to have been established pursuant to paragraph two of subdivision b of section nine of this article;

B. each action and proceeding pending in a city court outside the city of New York on December thirty-first, two thousand twenty-nine shall be deemed pending in the municipal court that is the successor to such city court established pursuant to paragraph two of subdivision b of section nine of this article; and

C. each judge of a city court in office on December thirty-first, two thousand twenty-nine shall, for the remainder of the term for which such judge was selected, be a judge of such municipal court that is the successor to such city court established pursuant to paragraph two of subdivision b of section nine of this article.

(4) Upon abolition of the courts specified in subparagraph A of paragraph one and subparagraph A of paragraph three of this subdivision, and continuation of the district courts authorized by former section sixteen of this article as municipal courts, their seals, records, papers, and documents shall become the seals, records, papers, and documents of the appropriate municipal court as may be provided by law.

d. In the event that a judgment or order was entered before the date of abolition of a court hereunder, or continuation of a court as another court, and a right of appeal existed and notice of appeal therefrom is filed after such date, such appeal shall be taken to such court as it might have been taken before the effective date of this section, except such an appeal from a city, town, or village court in the third or fourth judicial department shall be taken to any appellate term that has been established if, prior to December thirty-first, two thousand twenty-

1 ty-nine, such appeal could have been taken thereto or, otherwise, to the
2 supreme court. Further appeal from a decision of an appellate court in
3 an action subject to this subdivision shall be as provided by law,
4 consistent with this article.

5 e. In the event that an appeal was decided by a county court before
6 January first, two thousand twenty-eight and a further appeal could be
7 taken as of right and notice of appeal therefrom is filed after such
8 date, such appeal may be taken to any appellate court to which such an
9 appeal could have been taken prior to such date. Further appeal from a
10 decision of such appellate court shall be governed by the provisions of
11 this article. If a further appeal could not be taken as of right, such
12 appeal shall be governed by the provisions of this article.

13 f. As may be provided by law, the nonjudicial personnel of the courts
14 abolished or continued by this section in office on the date of aboli-
15 tion or continuation shall, to the extent practicable, be continued
16 without decrease in salaries and with the same status and rights in the
17 courts established or continued by this article; and especially skilled,
18 experienced, and trained personnel shall, to the extent practicable, be
19 assigned to like functions in the municipal court or the supreme court,
20 as appropriate.

21 g. Notwithstanding any provision of this article to the contrary,
22 where there is an adjustment in the number of the judicial departments
23 of the state or in the boundaries of such departments pursuant to para-
24 graph two of subdivision a of section four of this article:

25 (1) The legislature shall provide for the transfer of appeals then
26 pending in the appellate division or in an appellate term in each
27 department so adjusted to the appellate division or an appellate term,
28 respectively, for the department in which such appeals could have been
29 taken had such adjustment been effective on the date such appeal was
30 taken, or if no appellate term has been established therefor, to the
31 supreme court.

32 (2) The governor may reapportion, among the departments so adjusted,
33 the justices theretofore designated to the appellate divisions thereof,
34 provided that: (i) the presiding justice of any judicial department
35 affected by such adjustment shall be the presiding justice of the
36 department that includes the county of such justice's residence for the
37 remainder of such justice's term of office, unless there already is a
38 presiding justice in such department, in which event the presiding
39 justice of the judicial department affected by such adjustment shall
40 serve as a justice in such department for the duration of the term of
41 office for which such justice was designated as presiding justice; and
42 (ii) each other justice designated pursuant to subdivision c of section
43 four of this article to the appellate division of any department so
44 adjusted shall, for the remainder of the term for which such justice was
45 so designated, be a justice of the department to which such justice is
46 reapportioned.

47 (3) Where compliance with paragraph two of this subdivision is incon-
48 sistent with the provisions of section four of this article as to a
49 judicial department affected by such adjustment, until such time as
50 there is compliance with such provisions all subsequent designations of
51 justices by the governor to the appellate division of such department
52 shall be as provided by law.

53 (4) If a department is abolished, the legislature shall provide for
54 the deposit of the seals, records, papers, and documents of the appel-
55 late division thereof, as appropriate.

1 § 25. Resolved (if the Senate concur), That article 6 of the constitu-
2 tion be amended by adding a new section 29 to read as follows:

3 § 29. a. Except as provided in subdivision b of this section, this
4 article and all amendments thereto, as heretofore approved and ratified
5 by the people, shall remain in full force and effect.

6 b. The repeal of sections nine, ten, eleven, twelve, thirteen, four-
7 teen, sixteen, thirty-four, thirty-five, thirty-six, thirty-six-a, thir-
8 ty-six-c, thirty-seven and subdivision j of section twenty-two of this
9 article, the amendments to sections one, two, four, six, seven, and
10 eight of this article, the renumbering of and, as renumbered, the amend-
11 ments to sections nine, eleven, thirteen, fourteen, fifteen, sixteen,
12 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, and
13 twenty-four of this article, the amendment of subdivision b of section
14 twenty-two, such section as renumbered, the renumbering of sections
15 twelve, sixteen, eighteen, twenty-one, twenty-two, twenty-four, twenty-
16 five, twenty-six, and twenty-eight of this article, and the addition of
17 new sections ten, twenty-seven, and twenty-nine to this article, as
18 first proposed by a concurrent resolution passed by the legislature in
19 the year two thousand twenty-two, entitled "CONCURRENT RESOLUTION OF THE
20 SENATE AND ASSEMBLY proposing amendments to article 6 of the constitu-
21 tion, in relation to consolidation of the unified court system, and to
22 repeal of sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c, 37
23 and subdivision j of section 22 of article 6 of the constitution relat-
24 ing thereto" shall become a part of the constitution on January first,
25 two thousand twenty-five and shall be effective on such date; provided,
26 however, that paragraph two of subdivision d of section six of this
27 article, as added by such concurrent resolution, shall not be effective
28 until the first day of January, two thousand twenty-eight, when upon
29 such date such paragraph shall take effect.

30 c. Notwithstanding subdivision b of this section, the provisions of
31 this article in effect on December thirty-first, two thousand twenty-
32 four shall continue to apply to any court or courts specified in such
33 provisions, and the judge or judges thereof, until the abolition of such
34 court or courts as provided pursuant to section twenty-seven of this
35 article.

36 § 26. Resolved (if the Senate concur), That the foregoing amendments
37 be referred to the first regular legislative session convening after the
38 next succeeding general election of members of the assembly, and, in
39 conformity with section 1 of article 19 of the constitution, be
40 published for 3 months previous to the time of such election.