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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and other mandates of the **municipal** courts [~~or court of civil and criminal jurisdiction of the city of New York~~] may, subject to such limitation as may be prescribed by the legislature **provided it applies uniformly to all municipal courts**, be served and executed in any part of the state. The legislature may provide that processes, warrants**,** and other mandates of [~~the district court may be served and executed in any part of the state and that processes, warrants and other mandates of~~] town[~~,~~] **and** village [~~and city~~] courts [~~outside the city of New York~~] may be served and executed in any part of the county in which such courts are located or in any part of any adjoining county.

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

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

Five members of the court shall constitute a quorum, and the concurrence of four shall be necessary to a decision; but no more than seven judges shall sit in any case. In case of the temporary absence or inability to act of any judge of the court of appeals, the court may designate any justice of the supreme court to serve as associate judge of the court during such absence or inability to act. The court shall have power to appoint and to remove its clerk. The powers and jurisdiction of the court shall not be suspended for want of appointment when the number of judges is sufficient to constitute a quorum.

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

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

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

(2) The members [~~first appointed by the governor shall have respectively one, two, three and four year terms as the governor shall designate. The members first appointed by the chief judge of the court of appeals shall have respectively one, two, three and four year terms as the chief judge shall designate. The member first appointed by the temporary president of the senate shall have a one-year term. The member first appointed by the minority leader of the senate shall have a two-year term. The member first appointed by the speaker of the assembly shall have a four-year term. The member first appointed by the minority leader of the assembly shall have a three-year term. Each subsequent appointment shall be~~] **of the commission shall each serve** for a term of four years.

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

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

f. When a vacancy occurs in the office of chief judge or associate judge of the court of appeals and the senate is not in session to give its advice and consent to an appointment to fill the vacancy, the governor shall fill the vacancy by interim appointment upon the recommendation of a commission on judicial nomination as provided in this section. An interim appointment shall continue until the senate shall pass upon the governor's selection. If the senate confirms an appointment, the judge shall serve a term as provided in subdivision a of this section commencing from the date of [~~his or her~~] **such judge's** interim appointment. If the senate rejects an appointment, a vacancy in the office shall occur sixty days after such rejection. If an interim appointment to the court of appeals be made from among the justices of the supreme court or the appellate divisions thereof, that appointment shall not affect the justice's existing office, nor create a vacancy in the supreme court, or the appellate division thereof, unless such appointment is confirmed by the senate and the appointee shall assume such office. If an interim appointment of chief judge of the court of appeals be made from among the associate judges, an interim appointment of associate judge shall be made in like manner; in such case, the appointment as chief judge shall not affect the existing office of associate judge, unless such appointment as chief judge is confirmed by the senate and the appointee shall assume such office.

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

a. (1) The state shall be divided into four judicial departments. The first department shall consist of the counties within the first and twelfth judicial [~~district~~] districts of the state. The second department shall consist of the counties within the second, ninth, tenth [~~and~~], eleventh, and thirteenth judicial districts of the state. The third department shall consist of the counties within the third, fourth, and sixth judicial districts of the state. The fourth department shall consist of the counties within the fifth, seventh, and eighth judicial districts of the state. [~~Each department shall be bounded by the lines of judicial districts.~~]

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

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

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

h. A justice of the appellate division of the supreme court in any department may be temporarily designated by the presiding justice of [~~his or her~~] such department to the appellate division in another judicial department upon agreement by the presiding justices of the appellate division of the departments concerned.

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

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

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

county of [~~Bronx and~~] New York. The second judicial district shall consist of the [~~counties~~] county of Kings [~~and Richmond~~]. The third judicial district shall consist of the counties of Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, and Ulster. The fourth judicial district shall consist of the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington. The fifth judicial district shall consist of the counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego. The sixth judicial district shall consist of the counties of Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins. The seventh judicial district shall consist of the counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates. The eighth judicial district shall consist of the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming. The ninth judicial district shall consist of the counties of Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial district shall consist of the counties of Nassau and Suffolk. The eleventh judicial district shall consist of the county of Queens. The twelfth judicial district shall consist of the county of Bronx. The thirteenth judicial district shall consist of the county of Richmond.

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

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

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

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

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

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

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

twenty-seven of this article subject, however, to such power as the legislature had to confer jurisdiction upon the court of claims, or to withdraw jurisdiction therefrom, on the day immediately preceding such abolition; the appellate jurisdiction of the former county court following its abolition pursuant to such section twenty-seven, except that the legislature may provide, in accordance with section eight of this article, that one or more appellate terms shall exercise any or all of such appellate jurisdiction; and [~~the~~] such other appellate jurisdiction as herein provided. [~~In the city of New York, it~~] Except as the legislature may otherwise provide pursuant to paragraph four of subdivision a of section ten of this article, the supreme court shall have exclusive jurisdiction over crimes prosecuted by indictment[~~, provided, however, that the legislature may grant to the city-wide court of criminal jurisdiction of the city of New York jurisdiction over misdemeanors prosecuted by indictment and to the family court in the city of New York jurisdiction over crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household~~].

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

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

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

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

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

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

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

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

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

Notwithstanding any provision of this subdivision, each of the divisions specified herein may exercise all of the supreme court's jurisdiction under this section.

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

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

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

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

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

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

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

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

c. 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.

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

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

b. The legislature may regulate such courts[~~, establish uniform jurisdiction, practice and procedure for city courts outside the city of New York~~] and may discontinue any village [~~or city~~] court [~~outside the city of New York existing on the effective date of this article~~]. The legislature may discontinue any town court [~~existing on the effective date of this article~~] only with the approval of a majority of the total votes cast at a general election on the question of a proposed discontinuance of the court in each such town affected thereby.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) hold any other public office or trust except an office in relation to the administration of the courts, member of a constitutional convention or member of the armed forces of the United States or of the state of New York in which latter event the legislature may enact such legislation as it deems appropriate to provide for a temporary judge or justice to serve during the period of the absence of such judge or justice in the armed forces;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. [~~A judge of the court of claims 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.~~

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

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

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

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

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

~~h.~~] A judge of [~~the district~~] a municipal court [~~in any county~~] may perform the duties of office or hold court in any county [~~and~~], may be [~~temporarily~~] assigned to [~~the county court in the judicial department~~] any district of [~~his or her residence or to a~~] such judge's court [~~for the city of New York established pursuant to section fifteen of this article or~~], and may be temporarily assigned to [~~the district~~] any municipal, town, or village court in [~~any county~~] the judicial department of such judge's residence. As may be provided by law, a judge of a municipal court also may be temporarily assigned to the supreme court in the judicial department of such judge's residence. Housing judges of the city-wide court of civil jurisdiction established pursuant to former section fifteen of this article of the constitution in force on December thirty-first, two thousand twenty-one, who became judges of the municipal court in the city of New York pursuant to subparagraph C of paragraph one of subdivision c of section twenty-seven of this article and their successors in office shall be assigned to the housing division of such municipal court but may preside over any action or proceeding pending in such municipal court and may be temporarily assigned to the same courts as any other municipal court judge. Any other judge of the

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

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

~~j. (1)~~] c. The legislature may provide for temporary assignments within the county of residence or any adjoining county[~~,~~] of [~~judges~~] justices of town[~~,~~] and village [~~or city~~] courts [~~outside the city of New York~~]. Such assignments may include temporary assignment to a municipal court outside the city of New York provided the justice so assigned has been permitted to practice law in this state for at least five years or such greater number of years as the legislature may determine.

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

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

e. While temporarily assigned pursuant to the provisions of this section, any judge or justice shall have the powers, duties~~,~~ and jurisdiction of a judge or justice of the court to which assigned. After the expiration of any temporary assignment, as provided in this section, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which [~~he or she~~] such judge or justice was assigned with respect to matters pending before [~~him or her~~] such judge or justice during the term of such temporary assignment.

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

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

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

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

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

a. The legislature shall provide for the allocation of the cost of operating and maintaining the court of appeals, the appellate division of the supreme court in each judicial department, **the appellate terms,** the supreme court, **and** 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 and the district court,~~] **municipal courts** among the state, the counties, the city of New York and other political subdivisions.

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

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

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

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

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

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

A. the court of claims shall be abolished;

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

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

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

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

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

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

c. Effective January first, two thousand thirty:

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

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

C. each judge of a court specified in subparagraph A of this paragraph in office on the date of its abolition shall, for the remainder of the term of office such judge was then serving on the abolished court, be a judge of the municipal court in the city of New York. Thereafter, such judge's office shall be an office of judge of the municipal court in the city of New York, to be filled in the same manner and for the same term as provided by this article on December thirty-first, two thousand twenty-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 twen-

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

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

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

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

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

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

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

(4) If a department is abolished, the legislature shall provide for the deposit of the seals, records, papers, and documents of the appellate division thereof, as appropriate.

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

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

b. The repeal of sections nine, ten, eleven, twelve, thirteen, fourteen, sixteen, thirty-four, thirty-five, thirty-six, thirty-six-a, thirty-six-c, thirty-seven and subdivision j of section twenty-two of this article, the amendments to sections one, two, four, six, seven, and eight of this article, the renumbering of and, as renumbered, the amendments to sections nine, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, and twenty-four of this article, the amendment of subdivision b of section twenty-two, such section as renumbered, the renumbering of sections twelve, sixteen, eighteen, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, and twenty-eight of this article, and the addition of new sections ten, twenty-seven, and twenty-nine to this article, as first proposed by a concurrent resolution passed by the legislature in the year two thousand twenty-two, entitled "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 of 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" shall become a part of the constitution on January first, two thousand twenty-five and shall be effective on such date; provided, however, that paragraph two of subdivision d of section six of this article, as added by such concurrent resolution, shall not be effective until the first day of January, two thousand twenty-eight, when upon such date such paragraph shall take effect.

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

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