STATE OF NEW YORK

10421

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rivera) -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the creation of the fourteenth judicial district consisting of the county of Erie and a supreme court library at Erie

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

Section 1. Section 70 of the judiciary law, as amended by chapter 690 of the laws of 2007, is amended to read as follows:

§ 70. Judicial departments. The state is hereby divided into four judicial departments. The first department shall consist of the counties embraced within the first and twelfth judicial districts; the second department shall consist of the counties embraced within the second, ninth, tenth, eleventh and thirteenth judicial districts; the third department shall consist of the counties embraced within the third, fourth and sixth judicial districts; the fourth department shall consist of the counties embraced within the fifth, seventh [~~and~~], eighth **and fourteenth** judicial districts.

§ 2. The opening paragraph and the eighth undesignated paragraph of section 140 of the judiciary law, the opening paragraph as amended by chapter 690 of the laws of 2007 and the eighth undesignated paragraph as amended by chapter 10 of the laws of 1948, are amended and a new fourteenth undesignated paragraph is added to read as follows:

The state is hereby divided into [~~thirteen~~] **fourteen** judicial districts, pursuant to the provisions of the first section of the sixth article of the constitution, which districts shall be arranged as follows:

The eighth judicial district shall consist of the counties of [~~Erie,~~] Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming;

The fourteenth judicial district shall consist of the county of Erie. The creation of such fourteenth district shall not affect or impair the rights, privileges or compensation of any officer or employee of the supreme court in office on the first day of January, two thousand twen-

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

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ty-five in the eighth judicial district as theretofore constituted; each such officer or employee employed in the county of Erie on such date shall thereafter be an officer or employee for the fourteenth judicial district and each such officer or employee employed in the counties of Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming on such date shall thereafter be an officer or employee for the eighth judicial district.

§ 3. Subdivisions 8 and 13 of section 140-a of the judiciary law, as amended by chapter 749 of the laws of 2023, are amended and a new subdivision 14 is added to read as follows:

8. Eighth district, [~~twenty-eight~~] five;

13. Thirteenth district, nine[~~.~~];

14. Fourteenth district, seventeen.

§ 4. The county of Erie shall establish, maintain and expand, if necessary, its court library, as established in accordance with sections 813 and 814 of the judiciary law, to accommodate the needs of the fourteenth judicial district. The Charles B. Swartwood Law Library at Elmira shall continue to serve as the court library for the eighth judicial district.

§ 5. The following named justices or their successors in office on the effective date of this act shall for the remainder of the terms for which they were elected or appointed be justices of the supreme court in and for the eighth judicial district as reconstituted and continued by this act.

Grace M. Hanlon
Diane Devlin
Frank Caruso
Paula Feroleto
Frank A. Sedita III

The following named justices or their successors in office on the effective date of this act shall for the remainder of the terms for which they were elected or appointed be justices of the supreme court in and for the fourteenth judicial district as created and constituted by this act. Any positions that were vacant on June 6, 2024 shall be justices of the eighth judicial district.

Deborah A. Chimes
Emilio Colaiacovo
John DelMonte
Daniel J. Ferlong
Gerald Greenan III
Deborah A. Haendiges
Craig D. Hannah
John B. Licata
Joseph Lorigo
Amy C. Martoche
Edward A. Pace
Catherine Nugent Panepinto
Donna M. Siwek
Mary Slisz
Kelly Vacco
Raymond W. Walter
Dennis E. Ward
Paul B. Wojtaszek

§ 6. The judiciary law is amended by adding a new section 816 to read as follows:

§ 816. Supreme court library at Erie. The law library for the county officials of the county of Erie, as now constituted and all of the books therein, shall be the law library of the supreme court of the state of New York in the fourteenth judicial district and shall be in the care and custody and under the control of the justices of the supreme court of the state of New York in the fourteenth judicial district or a majority of them, not designated as justices of the appellate division, who shall be the trustees thereof. The trustees shall have power to receive by gift, devise or bequest any property given or conveyed for the purpose of a law library and to hold and manage and dispose of the same, and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for injury to said library. They may also designate from among their number a library committee or committees, the members of which shall have the power to administer the rules and regulations prescribed by the said trustees. The trustees may employ and appoint such persons as they may deem necessary for the proper care, management and maintenance of said library and fix their salaries. The library and the equipment shall also be available for the use of the surrogate, family and criminal court judges, district attorney and other county officials of the county of Erie and the judges of the civil court of the city of Buffalo presiding in such county. The librarian and the assistant librarian, shall, in addition to the duties of librarian and assistant librarian, perform any and all duties as may be required of or imposed upon them by said trustees. The trustees may also procure proper furniture for the said library, purchase books therefor and defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate who shall provide for raising and paying the same.

§ 7. It is the intended object of this act to erect, in the fourth judicial department, the fourteenth judicial district, comprised of the county of Erie and to provide for the employees thereof selection, designation, nomination and election in the general election to be held in November, 2026 of justices of the eighth and fourteenth judicial districts consistent with the foregoing provisions of this act. Any other consistent provision of law, rule or regulation which by its terms or in its application aids in the accomplishment of such object shall be given full force and effect. Any provision which is inconsistent with the accomplishment of such object shall be denied force and effect to the extent that it may be applicable thereto.

§ 8. If any provisions of any section of this act shall be held void or unconstitutional, all other provisions and all other sections of this act which are not expressly held to be void or unconstitutional shall continue in full force and effect.

§ 9. This act shall take effect immediately provided that sections one through six of this act shall take effect January 1, 2025.