STATE OF NEW YORK

5303

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the age limitation of terms of judicial office

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

Section 1. Section 23 of the judiciary law, as added by chapter 649 of the laws of 1945, is amended to read as follows:

§ 23. Age limitation on term of judicial office. No person shall hold the office of judge, justice or surrogate of any court, whether of record or not of record, except a justice of the peace of a town or police justice of a village, longer than until and including the last day of December next after he **or she** shall be [~~seventy~~] **seventy-six** years of age[~~, except that a judge or justice in office or elected or appointed to office at the effective date of this section, as to whom no provision limiting his right to hold office to the close of the year following his attaining the age of seventy years was applicable prior to the effective date of this section, may continue in office during the term for which he was elected or appointed~~].

§ 2. Subdivision 2 of section 114 of the judiciary law, as added by chapter 704 of the laws of 1962, is amended to read as follows:

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

§ 3. Subdivision 2 of section 115 of the judiciary law, as added by chapter 704 of the laws of 1962, is amended to read as follows:

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

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

§ 4. This act shall take effect on the same date and in the same manner as a "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section 25 of article 6 of the constitution, in relation to service by retired justices and requiring judges and justices to retire at age 76" takes effect, in accordance with section 1 of article 19 of the constitution.