

# STATE OF NEW YORK

5304

2023-2024 Regular Sessions

## IN ASSEMBLY

March 7, 2023

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

### 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

1 Section 1. Resolved (if the Senate concur), That subdivision b of  
2 section 25 of article 6 of the constitution be amended to read as  
3 follows:  
4 b. Each judge of the court of appeals, justice of the supreme court,  
5 judge of the court of claims, judge of the county court, judge of the  
6 surrogate's court, judge of the family court, judge of a court for the  
7 city of New York established pursuant to section fifteen of this article  
8 and judge of the district court shall retire on the last day of December  
9 in the year in which he or she reaches the age of [~~seventy~~] seventy-six.  
10 Each [~~such~~] former judge of the court of appeals and justice of the  
11 supreme court may thereafter perform the duties of a justice of the  
12 supreme court, with power to hear and determine actions and proceedings,  
13 provided, however, that it shall be certificated in the manner provided  
14 by law that the services of such judge or justice are necessary to expe-  
15 dite the business of the court and that he or she is mentally and phys-  
16 ically able and competent to perform the full duties of such office. Any  
17 such certification shall be valid for a term of two years and may be  
18 extended as provided by law for an additional term or terms of two years  
19 in the manner provided by law. A retired judge or justice shall serve no  
20 longer than until the last day of December in the year in which he or  
21 she reaches the age of [~~seventy-six~~] eighty. A retired judge or justice  
22 shall be subject to assignment by the appellate division of the supreme  
23 court of the judicial department of his or her residence. Any retired  
24 justice of the supreme court who had been designated to and served as a  
25 justice of any appellate division immediately preceding his or her  
26 reaching the age of [~~seventy~~] seventy-six shall be eligible for desig-

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

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1 nation by the governor as a temporary or additional justice of the  
2 appellate division. A retired judge or justice shall not be counted in  
3 determining the number of justices in a judicial district for purposes  
4 of subdivision d of section six of this article.

5 § 2. Resolved (if the Senate concur), That the foregoing be referred  
6 to the first regular legislative session convening after the next  
7 succeeding general election of members of the assembly, and, in conform-  
8 ity with section 1 of article 19 of the constitution, be published for 3  
9 months previous to the time of such election.