

STATE OF NEW YORK

5983

2023-2024 Regular Sessions

IN ASSEMBLY

March 28, 2023

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

AN ACT to amend the judiciary law, in relation to appointments to the office of associate judge of the court of appeals

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

1 Section 1. Section 68 of the judiciary law is amended by adding a new
2 subdivision 2-a to read as follows:

3 2-a. Whenever the governor's appointment, upon advice and consent of
4 the senate, for chief judge of the court of appeals, causes a vacancy in
5 the office of associate judge of the court of appeals, the governor may
6 make an appointment for the associate judge vacancy from among the
7 commission's recommendations for the preceding chief judge vacancy,
8 provided that the associate judge vacancy occurs within sixty days from
9 the promulgation of recommendations by the commission for the preceding
10 chief judge vacancy. The governor may make such appointment immediately
11 upon the occurrence of the associate judge vacancy. If the governor does
12 not appoint a nominee from among those recommended for the preceding
13 chief judge vacancy within fifteen days of the occurrence of the associ-
14 ate judge vacancy, or upon notice from the governor, whichever occurs
15 sooner, the clerk of the court of appeals shall notify the commission of
16 the vacancy. Notwithstanding any other limitations of time established
17 by this section, the commission shall make its recommendations to the
18 governor no later than one hundred twenty days after receipt of such
19 notice, and the governor shall make his or her appointment from among
20 those persons recommended to him or her by the commission no sooner than
21 fifteen days nor later than thirty days after receipt of the commis-
22 sion's recommendations.

23 § 2. This act shall take effect immediately.

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

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