STATE OF NEW YORK

6748

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. ZEBROWSKI, SHIMSKY, WALLACE, MAGNARELLI -- read once and referred to the Committee on Judiciary

AN ACT to amend the uniform justice court act, in relation to requiring town and village justices be admitted to the practice of law

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

Section 1. Section 105 of the uniform justice court act, as amended by chapter 250 of the laws of 1975, subdivision (c) as amended by chapter 843 of the laws of 1980 and subdivision (d) as added by chapter 739 of the laws of 1976, is amended to read as follows:

§ 105. [~~Training~~] **Qualification, training** and education of justices; expenses thereof; requirements; restriction.

[~~(a) Training.~~] **1. (a) Subject to the provisions of paragraphs (b) and (c) of this subdivision, any person serving as a town or village justice for a term of office commencing on or after September first, two thousand twenty-four must be admitted to practice law in this state and must reside in the municipality in which the position is located.**

(b) Notwithstanding the provisions of paragraph (a) of this section, any person not admitted to the practice of law in this state who is serving as a town or village justice on September first, two thousand twenty-four shall be eligible to continue serving in such position and may serve the remainder of his or her term and run for additional terms of office.

(c) The chief executive officer of a municipality may submit an application for a waiver of the requirements of this subdivision to the office of court administration in such form as determined by the office of court administration. In the discretion of the office of court administration, a waiver may be granted upon an adequate showing that there are an insufficient number of attorneys residing within the municipality to provide a candidate or candidates meeting the requirements of paragraph (a) of this subdivision. In such case, a waiver may be granted

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

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allowing a person not admitted to practice law in this state to run for the office of justice and/or to allow an attorney residing outside the municipality, but within a reasonable geographical distance of the municipality, to run for and serve as a justice in that municipality.

2. No town or village justice selected for a term of office commencing on or after September first, nineteen hundred sixty-seven, except one who has been admitted to practice law in this state, shall assume the functions of his office unless he has filed with the clerk of his municipality a certificate of completion of a course of education and training prescribed by the administrative board. The administrative board may issue a temporary certificate enabling a town or village justice to assume the functions of his office pending completion of the earliest such course available thereafter. Such certificates shall be in a form, and subject to terms and conditions, prescribed by the administrative board.

[~~**(b) Expenses.**~~] **3.** Notwithstanding any other law, actual and necessary expenses incurred by a justice or justice elect in carrying out the foregoing requirement shall be a charge against the municipality.

[~~**(c)**~~] **4.** No town or village justice selected for a term of office commencing on or after July first, nineteen [~~**hunded**~~] **hundred** seventy-five, shall engage in or accept any employment as a "peace officer" or a "police officer", as those terms are defined in the criminal procedure law.

[~~**(d)**~~] **5.** No town justice selected for a term of office commencing on or after July first, nineteen hundred seventy-seven, shall serve as a member of a town board in a town of the second class.

§ 2. The office of court administration shall establish a procedure for the submission and processing of applications requesting a waiver of the provisions of paragraph (a) of subdivision 1 of section 105 of the uniform justice court act. The office of court administration shall make applications for such waiver available on its website.

§ 3. This act shall take effect immediately.