

STATE OF NEW YORK

139--C

Cal. No. 713

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

1 Section 1. Section 105 of the uniform justice court act is amended by
2 adding a new subdivision (a-1) to read as follows:

3 (a-1) Education. Notwithstanding any other provision of law to the
4 contrary, no person may serve as a town or village justice in a town or
5 village with a high arraignment volume unless they are an attorney
6 admitted to practice law in this state for at least five years as of the
7 date they commence the duties of office. For the purposes of this subdi-
8 vision, "town or village with a high arraignment volume" shall mean the
9 one hundred highest arraignment volumes in town and village courts in
10 the state as determined by the office of court administration in consul-
11 tation with the division of criminal justice services. The initial
12 determination shall be based on the sum of arraignments from two thou-
13 sand eighteen and two thousand nineteen. Subsequent determinations
14 shall take place every ten years thereafter and shall use the sum of at
15 least two years' data. Any change in the requirements for eligibility to
16 serve as a town or village justice in such town or village shall take

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

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1 effect upon commencement of the next judicial term of office following
2 the designation as a town or village with a high arraignment volume.
3 Notwithstanding the foregoing, non-attorney justices in office as of the
4 effective date of this subdivision shall remain eligible to serve as a
5 justice for the court on which they currently sit.

6 § 2. Section 31 of the town law is amended by adding a new subdivision
7 2-a to read as follows:

8 2-a. Notwithstanding any other provision of law to the contrary, no
9 person may serve as a town justice in a town with a high arraignment
10 volume, as determined pursuant to subdivision (a-1) of section one
11 hundred five of the uniform justice court act, unless they are an attor-
12 ney admitted to practice law in this state for at least five years as of
13 the date they commence the duties of office. Any change in the require-
14 ments for eligibility to serve as a town justice in such town shall take
15 effect upon commencement of the next judicial term of office following
16 the designation as a town with a high arraignment volume. Notwithstand-
17 ing the foregoing, non-attorney justices in office as of the effective
18 date of this subdivision shall remain eligible to serve as a justice for
19 the court on which they currently sit.

20 § 3. Section 3-301 of the village law is amended by adding a new
21 subdivision 6 to read as follows:

22 6. Notwithstanding any other provision of law to the contrary, no
23 person may serve as a village justice in a village with a high arraign-
24 ment volume, as determined pursuant to subdivision (a-1) of section one
25 hundred five of the uniform justice court act, unless they are an attor-
26 ney admitted to practice law in this state for at least five years as of
27 the date they commence the duties of office. Any change in the require-
28 ments for eligibility to serve as a village justice in such village
29 shall take effect upon commencement of the next judicial term of office
30 following the designation as a village with a high arraignment volume.
31 Notwithstanding the foregoing, non-attorney justices in office as of the
32 effective date of this subdivision shall remain eligible to serve as a
33 justice for the court on which they currently sit.

34 § 4. This act shall take effect on the first of January next succeed-
35 ing the date on which it shall have become a law.