STATE OF NEW YORK

1358--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

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

(a-1) Education. Notwithstanding any other provision of law to the contrary, no person may serve as a town or village justice in a town or village with a high volume caseload unless they are an attorney admitted to practice law in this state for at least five years as of the date they commence the duties of office. For the purposes of this subdivision, "town or village with a high volume caseload" shall mean the one hundred highest volume caseloads in town and village courts in the state as determined by the office of court administration in consultation with the division of criminal justice services. The initial determination shall be based on the sum of cases from two thousand eighteen and two thousand nineteen. Subsequent determinations shall take place every ten years thereafter and shall use the sum of at least two years' data. Any change in the requirements for eligibility to serve as a town or village justice in such town or village shall take effect upon commencement of the next judicial term of office following the designation as a town or village with a high volume caseload. Notwithstanding the foregoing, non-attorney justices in office as of the effective date of this subdivision shall remain eligible to serve as a justice for the court on which they currently sit.

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

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

2-a. Notwithstanding any other provision of law to the contrary, no person may serve as a town justice in a town with a high volume caseload, as determined pursuant to subdivision (a-1) of section one hundred five of the uniform justice court act, unless they are an attorney admitted to practice law in this state for at least five years as of the date they commence the duties of office. Any change in the requirements for eligibility to serve as a town justice in such town shall take effect upon commencement of the next judicial term of office following the designation as a town with a high volume caseload. Notwithstanding the foregoing, non-attorney justices in office as of the effective date of this subdivision shall remain eligible to serve as a justice for the court on which they currently sit.

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

6. Notwithstanding any other provision of law to the contrary, no person may serve as a village justice in a village with a high volume caseload, as determined pursuant to subdivision (a-1) of section one hundred five of the uniform justice court act, unless they are an attorney admitted to practice law in this state for at least five years as of the date they commence the duties of office. Any change in the requirements for eligibility to serve as a village justice in such village shall take effect upon commencement of the next judicial term of office following the designation as a village with a high volume caseload. Notwithstanding the foregoing, non-attorney justices in office as of the effective date of this subdivision shall remain eligible to serve as a justice for the court on which they currently sit.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.