

# STATE OF NEW YORK

1358--C

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 -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, 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:

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  
17 effect upon commencement of the next judicial term of office following  
18 the designation as a town or village with a high arraignment volume.

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

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1 Notwithstanding the foregoing, non-attorney justices in office as of the  
2 effective date of this subdivision shall remain eligible to serve as a  
3 justice for the court on which they currently sit.

4 § 2. Section 31 of the town law is amended by adding a new subdivision  
5 2-a to read as follows:

6 2-a. Notwithstanding any other provision of law to the contrary, no  
7 person may serve as a town justice in a town with a high arraignment  
8 volume, as determined pursuant to subdivision (a-1) of section one  
9 hundred five of the uniform justice court act, unless they are an attor-  
10 ney admitted to practice law in this state for at least five years as of  
11 the date they commence the duties of office. Any change in the require-  
12 ments for eligibility to serve as a town justice in such town shall take  
13 effect upon commencement of the next judicial term of office following  
14 the designation as a town with a high arraignment volume. Notwithstand-  
15 ing the foregoing, non-attorney justices in office as of the effective  
16 date of this subdivision shall remain eligible to serve as a justice for  
17 the court on which they currently sit.

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

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

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