

# STATE OF NEW YORK

9601

## IN SENATE

May 16, 2024

Introduced by Sens. RHOADS, PALUMBO -- read twice and ordered printed,  
and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to recusal by a court of  
appeals judge

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

1 Section 1. Section 9 of the judiciary law, as added by chapter 376 of  
2 the laws of 2020, is amended to read as follows:

3 § 9. Recusal; reason. 1. Any judge, other than a court of appeals  
4 judge, who recuses [~~himself or herself~~] themselves from sitting in or  
5 taking any part in the decision of an action, claim, matter, motion or  
6 proceeding shall provide the reason for such recusal in writing or on  
7 the record; provided, however, that no such judge shall be required to  
8 provide a reason for such recusal when the reason may result in embar-  
9 rassment, or is of a personal nature, affecting the judge or a person  
10 related to the judge within the sixth degree by consanguinity or affin-  
11 ity.

12 2. When any court of appeals judge recuses themselves from sitting in  
13 or taking any part in the decision, action, claim, matter, motion or  
14 proceeding, a replacement shall be chosen on a rotating basis, based on  
15 seniority, of the next available appellate division judge.

16 § 2. This act shall take effect on the thirtieth day after it shall  
17 have become a law.

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

LBD15458-01-4