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 Assembly, do enact as follows:

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

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

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

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

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

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