

STATE OF NEW YORK

714

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RHOADS, BORRELLO, 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:

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.

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