STATE OF NEW YORK

8681

2025-2026 Regular Sessions

IN ASSEMBLY

May 29, 2025

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Judiciary

AN ACT to amend the uniform district court act, in relation to establishing a district court system in the county of Orleans

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

Section 1. The uniform district court act is amended by adding a new article 27 to read as follows:

ARTICLE XXVII
ORLEANS COUNTY DISTRICT COURT
PART 1
ORGANIZATION

Section 2700. Orleans county district court established.
2701. District court system; area and composition.
2702. District and number of judges therein.
2703. Qualifications of judges; restrictions on other activities; oath of office; powers.
2704. Salaries of judges.
2705. Board of judges.
2706. Access to facilities; payment of expenses.
2707. Time and place of holding court.
2708. Procedures relating to traffic offenses.
2709. Official seals.
2710. Appointment, compensation and removal of court clerks.
2711. Duties of court clerks.

§ 2700. Orleans county district court established.

There shall be a district court system established in the county of Orleans as herein provided. The Orleans county district court shall be an inferior court, and the judges thereof shall have the civil and criminal jurisdiction prescribed hereinafter consistent with this act. Such court shall be a court of record and shall operate pursuant to the

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

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provisions of this act and all rules and regulations as established by the New York state office of court administration.

§ 2701. District court system; area and composition.

The district court system of Orleans county shall be established on the first day of January next succeeding one year from the general election by a majority vote cast in the Orleans county general election as approved by the legislature of the state of New York.

§ 2702. District and number of judges therein.

The county district court system shall be a single judicial district as follows: The entire district court system shall constitute the one judicial district in which two full-time district court judges shall be elected. The legislature of the county of Orleans, upon the recommendation of the board of judges of the district courts, increase the number of judges provided that such new judicial post or posts shall be filled for a full term at the next general election held not less than three months after the creation thereof.

§ 2703. Qualifications of judges; restrictions on other activities; oath of office; powers.

1. No one shall be eligible to the office of judge unless they are a resident elector in the district for which such person is elected or appointed and shall have been admitted to practice law in this state for at least five years.

2. No judge shall engage in the practice of law or hold any other public office in the county. Each judge shall devote their whole time and capacity to the duties of their office. Before entering upon their duties, each judge elected or appointed pursuant to this article shall take and file with the county clerk the oath of office prescribed by the constitution. The judges may, by virtue of their offices, administer oaths, take depositions and acknowledgments within the county and certify the same in the same manner and with like effect as judges of courts of record.

§ 2704. Salaries of judges.

The salary of each judge shall be as determined by the office of court administration and such salaries shall be a charge against the state of New York through the office of court administration.

§ 2705. Board of judges.

1. The judges of the Orleans county district court, together with the chairman of the Orleans county legislature and the supervisor from each participating township shall constitute the board of judges of the county. Only a judge elected from the district shall be the president. The meetings of the board shall be public, except when such board shall be in executive session, and, in so far as is practicable, shall be held at regular intervals, and all its proceedings shall be recorded by its secretary and shall be preserved. A majority of the members of the board shall constitute a quorum. The board may by resolution provide for the conduct of its meetings, the keeping and preservation of its minutes and the public inspection thereof at reasonable times; for the order of judicial business, the manner of its discharge and the maintenance of order in and about the courts; for the establishment of parts of the court; and for the assignment of judges to hold the several parts so established.

2. The board of judges shall designate the number and general location of the places, one or more for each judge, in which court shall be held. The president of the board of judges shall preside and shall be entitled to vote at all meetings of the board. In addition to all the powers of a member of the board, the president shall exercise general supervision of

the business of the court and have such other powers as may be conferred by resolution of the board. The president shall, whenever the president deems it necessary for the prompt disposition of business, transfer cases for trial or for all purposes from one judge to another. The acts or directions of the president of the board of judges may be vacated, amended or modified by a two-thirds vote of the members at a regular or special meeting of the board.

3. The board of judges shall designate a clerk of the court to act as secretary of the board and from time to time substitute another. Such secretary shall serve without additional compensation. All necessary disbursements of the board of judges and the secretary thereof shall be a charge against the eighth judicial district and paid as other district charges.

§ 2706. Access to facilities; payment of expenses.

The judges of the court shall have access to, and possession of the courtrooms and court offices and other places provided by the eighth judicial district for the transaction of the business of the district court. It shall be an obligation of the eighth judicial district to supply and pay for whatever may be necessary for the transaction of the business of said court and the judges thereof and to supply all proper accommodations, books, stationery and furniture and to pay all salaries, compensation and expenses and disbursements herein authorized; and the proper county authorities shall annually include in the county budget, chargeable only to the eighth judicial district, such sums as may be necessary to pay the same. All fees and other revenue of the district court system shall be credited to the eighth judicial district.

§ 2707. Time and place of holding court.

It shall be the duty of the Orleans county legislature to provide suitable places for holding court in accordance with the designation made by the board of judges and the office of court administration as hereinbefore provided. The judges shall hold court in one or more parts as established and, on such days, as fixed by said board and at places provided by the eighth judicial district or, in the event of failure to provide such places, at any places designated by the board of judges and the office of court administration.

§ 2708. Procedures relating to traffic offenses.

1. The board of judges shall have the power to provide, by resolution, a procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, reckless driving, leaving a scene of an accident or any charge of a misdemeanor or felony or any charge which may for reasons of public policy require the personal appearance of the accused, for such period of time as shall be deemed in the public interest; to fix the fine to be paid in each class of case within the minimum and maximum amount set by law, ordinance, rule or regulation; to designate the place or places where such fines may be paid; to prescribe the form of the summonses to be used and the manner in which the plea of guilty shall be made; and the manner in which the money shall be paid.

2. Such procedure may provide that any person pleading "guilty", or that a person pleading "not guilty" and asking that a date be set for trial, may do so through a representative or by mail and may further provide that the clerk of the court set such date for trial.

3. No resolution providing such procedure shall be effective until a certified copy thereof shall have been filed with the county clerk.

4. Whenever any summons is issued involving a provision of any law, ordinance, rule or regulation relating to motor vehicle parking and the procedure for such violation is provided under this section, the member of the police force or any other peace officer serving said summons, in lieu of inserting in the summons the name of the person summoned, may insert therein, in the space provided for the insertion of the name of the person summoned, the words "registered owner of motor vehicle bearing license", said words to be followed by the license designation or identification as shown by the license plates on said motor vehicle parked in violation of the law, ordinance, rule or regulation as aforesaid; and said summons may be served upon said registered owner by a member of the police force or other peace officer by affixing the summons to said motor vehicle in some conspicuous place where it is likely to be seen by an operator thereof. An operator of the motor vehicle, for the purposes of this section, if not the owner thereof, shall be deemed to be the agent of such registered owner to receive said summons served in the manner aforesaid; and service made in the manner provided shall be deemed to be lawful service upon the registered owner of the motor vehicle to which the summons is affixed. For the purpose of the service of the summons as herein provided, the registration records of the motor vehicle department of the state in which the motor vehicle is registered shall be conclusive evidence as to the registered owner of the motor vehicle. When a summons is issued and served as authorized in this section, the information sworn to may charge the violation in the same manner and any further proceedings authorized in this section may be had and recorded in the name of the "registered owner of motor vehicle bearing license", said words to be followed by the license designation or identification as shown by the license plates.

§ 2709. Official seals.

The district court shall have an official seal on which shall be engraved the arms of the state of New York, the name of the court, the county and the district. Seals shall be furnished at the expense of the eighth judicial district.

§ 2710. Appointment, compensation and removal of court clerks.

The office of court administration shall appoint such number of court clerks and, subject to the applicable civil service laws, such additional court clerks, deputy court clerks, stenographers and other assistants and employees in the clerk's office as may be necessary. Court clerks and deputy court clerks shall, at the time of their appointments, be residents of Orleans county, and removal of any of them from Orleans county shall vacate the office. All the officers and employees provided by this section shall receive compensation to be fixed by the members of the county legislature and/or the office of court administration (pursuant to office of court administration requirements), which salaries, together with other expenses of their offices, as provided by the annual budget, shall be a charge against the eighth judicial district. Any court clerk or deputy court clerk may be removed by the board of judges for cause, provided that written charges are first filed with the board of judges and that such court clerk or deputy court clerk be given due notice thereof and be afforded an opportunity to be heard; and the president of the board of judges may, in the president's discretion, suspend such court clerk or deputy court clerk from the performance of their official duties pending a hearing upon the charges. Upon charges being preferred against a court clerk or deputy court clerk by a judge of the district court, the board of judges shall

forthwith cause notice of suspension of such court clerk or deputy court clerk to be served upon such clerk, and such court clerk or deputy court clerk shall thereupon remain suspended until the hearing and determination of the charges.

§ 2711. Duties of court clerks.

The court clerk shall:

1. Exercise the powers conferred and perform the duties imposed upon them by this chapter and the rules and resolutions of the board of judges and those usually appertaining to their offices and, in the exercise of such powers and the performance of such duties, conform to the direction of the court.

2. Keep the seal of the court and affix it to such papers and documents as they may be required to certify.

3. Keep a docket book in such manner as the rules may prescribe, and all other records and proceedings of the court, and act as custodian of all documents, books and records.

4. Keep the office open for the transaction of business during the hours designated by the rules and resolutions of the board of judges.

5. Attend the sittings of the court, administer oaths and take acknowledgments in the same manner and with like effect as clerks in courts of record, receive verdicts of juries and, in a proper case, adjourn causes or, when no judge appears, adjourn causes to the next judicial day. Deputy court clerks and clerks other than the court clerk shall have like power and authority by designation of the president of the board of judges.

6. Assume charge and control of, and be responsible for, the general conduct of the business of their office and for the faithful discharge of the duties of deputy and assistant clerks and other officers connected with the court.

7. Collect and receive all the fees and account for and pay the same into the county treasury at such times as the county treasurer may prescribe, which account shall contain the title of each case and the amount of fees received therein; and the salary of such clerk shall not be paid until they shall have so accounted and paid. The county clerk shall perform no service until they shall have received the legal fees therefor.

8. Deliver to their successor in office the official seal and all papers, books and records on file in their office.

PART 2
CIVIL AND CRIMINAL JURISDICTION AND PROCEDURE

Section 2720. Application of the uniform district court act.
2721. Enforcement officer.
2722. Disposition of fines and penalties.

§ 2720. Application of the uniform district court act.

The civil and criminal jurisdiction of and practice and procedure in the Orleans county district court shall be as set forth in this act.

§ 2721. Enforcement officer.

The sheriff of Orleans county is hereby designated the enforcement officer for the Orleans county district court.

§ 2722. Disposition of fines and penalties.

All fines and penalties imposed and collected by any judge of the court sitting as a court of special sessions or as a magistrate's court shall be paid over to the county treasurer and be credited by the county treasurer to the eighth judicial district, except as follows:

1. Fines and penalties collected in cases arising out of the violation of the ordinances or regulations of any town or village shall be paid at least monthly into the treasury of such town or village.

2. Fines and penalties which by any general state law are payable to the state of New York or to any department, commission or agency thereof shall be paid as in such general state law provided at least monthly.

3. Fines and penalties collected for violation of the conservation law and of laws and ordinances in relation to the use of the public highways by motor vehicles, trailers and motorcycles shall be disposed of as now or hereafter required by law and credited to the eighth judicial district.

4. Fines and penalties, which by general state laws, but for this section, would be required to be paid to a town or any officer of a town, shall be paid instead to the county treasurer and credited to the eighth judicial district.

PART 3
GENERAL PROVISIONS

Section 2730. Death or removal of judge not to affect proceedings.
2731. Presumption of regularity.
2732. Vote on creation of the district court system.
2733. Pending actions and proceedings.
2734. Construction.
2735. Separability.

§ 2730. Death or removal of judge not to affect proceedings.

No process, action, judgment, execution or proceeding shall abate or be discontinued by reason of the death, removal from office or vacancy in office of any judge, but another judge shall proceed to hear, try, determine and give judgment in and upon the same, and upon all matters and things pending and undecided or not acted upon.

§ 2731. Presumption of regularity.

The presumption of regularity shall attach to the proceedings, judgments, orders and final orders of this court, and every fair intendment shall be made in favor of its jurisdiction.

§ 2732. Vote on creation of the district court system.

At the general election to be held in two thousand twenty-six there shall be submitted to all the electors of the various towns of Orleans county, including the electors within incorporated villages, the following two propositions, provided not less than one hundred twenty days before such election the town board of such town adopts a resolution authorizing such submission and a copy thereof, duly certified by the clerk of such board, shall have been filed with the board of elections of the county and resolutions are filed by at least three contiguous towns and each town submitting such resolution is contiguous to another town submitting the same:

1. "Shall the Orleans County District Court System be created?"

2. "If the Orleans County District Court System shall be created, shall the office of the justice of the peace be abolished within the county?"

If the Orleans county district court system shall be created and the voters approve the proposition to abolish the office of justice of the peace, then said office of each of the incumbent justices of the peace shall be deemed abolished at the time when the existing term of each such incumbent justice of the peace expires.

§ 2733. Pending actions and proceedings.

1. No action or proceeding, civil or criminal, pending at the time when this article shall take effect, shall be affected or abated by the passage of this article or by anything herein contained. All actions or proceedings, civil or criminal, pending in a city court, local court, village court, magistrate's court or the court of special sessions shall be transferred to the Orleans county district court upon the approval of the propositions described in section twenty-seven hundred thirty-two of this part.

2. For the purpose of the disposition of such actions and proceedings only, the jurisdiction of the Orleans county district court shall be deemed:

(a) expanded to that of the abolished court whenever necessary to sustain the jurisdiction of the Orleans county district court over such action or proceeding if the abolished court has jurisdiction of the same; and

(b) contracted to that of the abolished court so as to prevent the Orleans county district court from giving relief of such nature or in such amount as could not be given by the abolished court.

3. Except as provided for in the foregoing, practice and procedure in such actions and proceedings shall be as if the same were instituted in the Orleans county district court after the effective date of this article. But if the court shall find that a practice or procedure is necessary to the disposition of such action or proceeding, the court may permit recourse to or completion of the same.

4. All warrants theretofore issued by a judge, justice or magistrate of a city court, local court, village court, magistrate's court or the court of special sessions, prior to the effective date of this article shall be deemed valid warrants of the Orleans county district court and be returnable therein.

§ 2734. Construction.

The provisions of this article relating to the Orleans county district court and procedure therein shall be liberally construed in furtherance of justice.

§ 2735. Separability.

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 2. This act shall take effect immediately.