

STATE OF NEW YORK

1358--B

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

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 volume caseload unless they are an attorney admitted
6 to practice law in this state for at least five years as of the date
7 they commence the duties of office. For the purposes of this subdivi-
8 sion, "town or village with a high volume caseload" shall mean the one
9 hundred highest volume caseloads in town and village courts in the state
10 as determined by the office of court administration in consultation with
11 the division of criminal justice services. The initial determination
12 shall be based on the sum of cases from two thousand eighteen and two
13 thousand nineteen. Subsequent determinations shall take place every ten
14 years thereafter and shall use the sum of at least two years' data. Any
15 change in the requirements for eligibility to serve as a town or village
16 justice in such town or village shall take effect upon commencement of
17 the next judicial term of office following the designation as a town or
18 village with a high volume caseload. Notwithstanding the foregoing,
19 non-attorney justices in office as of the effective date of this subdivi-
20 vision shall remain eligible to serve as a justice for the court on
21 which they currently sit.

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

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

3 2-a. Notwithstanding any other provision of law to the contrary, no
4 person may serve as a town justice in a town with a high volume case-
5 load, as determined pursuant to subdivision (a-1) of section one hundred
6 five of the uniform justice court act, unless they are an attorney
7 admitted to practice law in this state for at least five years as of the
8 date they commence the duties of office. Any change in the requirements
9 for eligibility to serve as a town justice in such town shall take
10 effect upon commencement of the next judicial term of office following
11 the designation as a town with a high volume caseload. Notwithstanding
12 the foregoing, non-attorney justices in office as of the effective date
13 of this subdivision shall remain eligible to serve as a justice for the
14 court on which they currently sit.

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

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

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