

2019 Annual Report NEW YORK STATE SENATE STANDING COMMITTEE ON JUDICIARY



Senator Brad Hoylman
Chair

CHAIRMAN MAJORITY MEMBER

JUDICIARY

COMMITTEES

CITIES

CULTURAL AFFAIRS, TOURISM, PARKS
& RECREATION

FINANCE

HEALTH

RULES



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The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

February 3, 2020

Dear Majority Leader Stewart-Cousins:

As Chair of the Senate Standing Committee on Judiciary, I am pleased to transmit the Annual Report for the 2019 Legislative Session.

During the 2019 session, the Committee met eleven times, reporting 61 bills and approving 14 nominees to the Court of Claims and interim Supreme Court appointments. The Committee held a hearing on compensated gestational surrogacy agreements in May, and two joint hearings to consider a proposal by Chief Judge Janet DiFiore to consolidate New York's court system in November.

I am particularly proud of the work the Judiciary Committee did to advance the Child Victims Act (S.2440), which passed the Senate unanimously after years of being denied a vote.

I am immensely grateful for your leadership this year and for the tireless efforts of the Majority Conference staff to ensure the smooth operations of the Committee. I also thank all of my fellow committee members for their diligence and hard work.

Though we accomplished so much in 2019, much more work remains to be done to ensure fairness, justice, due process, and equal protection under the law for all New Yorkers, and I will continue to direct this Committee's efforts toward that ultimate goal.

Sincerely,

Brad Hoylman
State Senator
27th District

2019 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY**

Senator Brad Hoylman, Chair
Senator Thomas F. O'Mara, Ranking Minority Member

Committee Members

Senator Brad Hoylman, Chair	Senator Thomas F. O'Mara, Ranking
Senator Jamaal T. Bailey	Minority Member
Senator Neil D. Breslin	Senator Phil Boyle
Senator Andrew Gounardes	Senator Andrew J. Lanza
Senator Anna M. Kaplan	Senator Kenneth P. LaValle
Senator Zellnor Myrie	Senator Michael H. Ranzenhofer
Senator Diane J. Savino	
Senator Luis R. Sepulveda	
Senator Toby Ann Stavisky	
Senator Kevin Thomas	

Committee Staff

Nadia Gareeb - Assistant Deputy Counsel, Senate Majority Conference
Kenan Kurt - Associate Counsel, Senate Majority Conference
Burton W. Phillips - Albany Chief of Staff & Counsel, Senator Hoylman
Kendall Jacobsen - Legislative Director & Committee Clerk, Senator Hoylman

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Judiciary has legislative oversight of issues concerning New York's civil justice system, debtor and creditor laws, domestic relations laws, estates, powers and trusts laws, general obligations laws, real property laws, and the judicial branch of state government. The Judiciary Committee also has the special responsibility of considering resolutions to amend the State Constitution, and to consider and approve certain gubernatorial judicial appointments, including appointees to the New York State Court of Claims and Court of Appeals.

During the 2019 Legislative Session, 307 bills were referred to the Judiciary Committee for its review. Sixty-one bills were reported by the Committee, and of those 33 passed both houses of the Legislature, 13 passed the Senate only, and 15 ended the Legislative Session on the Third Reading Calendar. The Committee also voted on 14 nominees to the Court of Claims and interim appointments to the Supreme Court. The work of the Committee was completed over the course of 11 committee meetings.

A list of all bills that were reported from the committee is provided at the end of this report.

In addition to its regular meetings, the Committee held three hearings in 2019:

Protecting Modern Families: Surrogacy Agreements & Children Born Through Assisted Reproduction

May 29, 2019

Albany, NY

In May, the Committee held a hearing on S.2071-A (Hoylman) / A.1071-B (Paulin), legislation to authorize and regulate compensated gestational surrogacy agreements. The Committee solicited in-person and written testimony from women who have acted as surrogates, LGBTQ parents, parents struggling with infertility, medical professionals, attorneys, academics, and LGBTQ advocacy organizations.

Panelists discussed their first-hand experiences with surrogacy, the medical and legal protections in the legislation, and ethical considerations around the issue. Testimony received by the Committee was generally supportive of the legislation, but testimony by

those with concerns about the practice of compensated gestational surrogacy was also solicited and considered.

Following the hearing, the legislation was amended to further strengthen the legal and medical protections for all parties involved in compensated surrogacy agreements, and to require state licensure of any surrogacy programs doing business in New York State. The Senate passed the amended bill on June 11.

Court Consolidation

November 13, 2019

New York, NY

Court Consolidation

November 21, 2019

Albany, NY

In November, the Committee held two hearings jointly with the Assembly Judiciary Committee on Chief Judge Janet DiFiore's proposal for the consolidation of New York's eleven trial courts into a system of two trial courts consisting of a Supreme Court and a Municipal Court. The Committee's hearings witnessed testimony from experts and professionals in the field including judges, court administrators, court personnel union representatives, Bar Associations, legal services providers, as well as everyday New Yorkers who spoke about their individual experiences within the system.

Testimony in support of the Chief Judge's proposal often described the current court system as "Byzantine," "complicated," and "maze-like." Supporters highlighted the benefits consolidation would provide to litigants, the enhanced ability of the court system to more easily allocate resources where needed, an increase in the raw number of racially and ethnically diverse judges that would be eligible for appointment to the Appellate Division, and the equalization of Appellate Department workload through creation of new judicial departments.

Not all of the testimony the Committee received on the proposal was supportive. Many opponents acknowledged that the current system would benefit from some modifications and modernizations but disagreed that a comprehensive overhaul of the Unified Court System was the appropriate solution. Concerns raised include whether the proposal would decrease the proportional diversity of Supreme Court Justices (particularly in New

York City), the fact that a judge may be assigned to hear cases from outside of their geographic elected constituency, and the limited protections in the proposal for non-judicial court employees.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2019:

- **S.1048 (Gianaris):** Concurrent Resolution of the Senate and Assembly proposing an amendment to section 5 of article 2 of the constitution, in relation to the ten day advance registration requirement. **PASSED BOTH HOUSES, DELIVERED TO SECRETARY OF STATE.**
- **S.1049 (Comrie):** Concurrent Resolution of the Senate and Assembly proposing an amendment to section 2 of article 2 of the constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting. **PASSED BOTH HOUSES, DELIVERED TO SECRETARY OF STATE.**
- **S.1688 (Montgomery):** An act to amend the real property law, the civil practice law and rules, and the criminal procedure law, in relation to distressed home loans. **SIGNED, CHAPTER 167 OF THE LAWS OF 2019.**
- **S.2071-B (Hoylman):** An act to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, in relation to the regulation of surrogacy programs; and to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial insemination. **PASSED SENATE, DIED IN ASSEMBLY.**
- **S.2072 (Carlucci):** Concurrent Resolution of the Senate and Assembly proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment. **PASSED BOTH HOUSES, DELIVERED TO SECRETARY OF STATE.**

- **S.2440 (Hoylman):** An act to amend the criminal procedure law, in relation to the statute of limitations in criminal prosecution of a sexual offense committed against a child; to amend the civil practice law and rules, in relation to the statute of limitations for civil actions related to a sexual offense committed against a child, reviving such actions otherwise barred by the existing statute of limitations and granting trial preference to such actions; to amend the general municipal law, in relation to providing that the notice of claim provisions shall not apply to such actions; to amend the court of claims act, in relation to providing that the notice of intention to file provisions shall not apply to such actions; to amend the education law, in relation to providing that the notice of claim provisions shall not apply to such actions; and to amend the judiciary law, in relation to judicial training relating to sexual abuse of minors and rules reviving civil actions relating to sexual offenses committed against children. **SIGNED, CHAPTER 11 OF THE LAWS OF 2019.**
- **S.2451 (Kavanagh):** An act to amend the civil practice law and rules and the penal law, in relation to establishing extreme risk protection orders as court-issued orders of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun. **SIGNED, CHAPTER 19 OF THE LAWS OF 2019.**
- **S.2844-B (Ramos):** An act to amend the lien law, in relation to employee liens; to amend the labor law, in relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft. **VETOED.**
- **S.3337-C (Gaughran):** An act to amend the civil practice law and rules, in relation to the statute of limitations for public water suppliers and wholesale water suppliers to commence an action for injury to property. **SIGNED, CHAPTER 442 OF THE LAWS OF 2019.**

- **S.4827-B (Thomas):** An act to amend the civil practice law and rules and the judiciary law, in relation to consumer credit transactions. **DIED ON THIRD READING CALENDAR.**

TWO HOUSE BILLS

In 2019, 33 of the 61 bills reported by the Senate Standing Committee on Judiciary passed both houses of the Legislature. Three of the bills that passed both houses were constitutional amendments requiring no further action by the Governor. Of the remaining 30 bills, the Governor signed 27 into law and vetoed three.

Bill	Sponsor	Title	Action
S.300	Hoylman	AN ACT to amend the estates, powers and trusts law and the surrogate's court procedure act, in relation to making technical corrections related to marriage equality	Chapter 420 of the Laws of 2019
S.1048	Gianaris	Concurrent Resolution of the Senate and Assembly proposing an amendment to section 5 of article 2 of the constitution, in relation to the ten day advance registration requirement	Constitutional Amendment - First Passage
S.1049	Comrie	Concurrent Resolution of the Senate and Assembly proposing an amendment to section 2 of article 2 of the constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting	Constitutional Amendment - First Passage
S.1688	Montgomery	AN ACT to amend the real property law, the civil practice law and rules, and the criminal procedure law, in relation to distressed home loans	Chapter 167 of the Laws of 2019
S.1868	Bailey	AN ACT to amend the civil practice law and rules, in relation to exempting parties liable for failure to obey or enforce certain orders of protection or temporary orders of protection in domestic violence or domestic relations matters from the provisions of article sixteen of such law, entitled "limited liability of persons jointly liable"	Chapter 180 of the Laws of 2019

S.1950-A	Bailey	AN ACT to amend the judiciary law, in relation to requiring the office of court administration to collect and maintain data on limited English proficient litigants in the state	Chapter 621 of the Laws of 2019
S.2072	Carlucci	Concurrent Resolution of the Senate and Assembly proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment	Constitutional Amendment - First Passage
S.2326	Kavanagh	AN ACT to amend the New York city civil court act, in relation to the participation of the department of social services of the city of New York in certain actions and proceedings in the housing part of such court	Chapter 397 of the Laws of 2019
S.2416	Kaplan	AN ACT to amend the civil practice law and rules, in relation to establishing a time period in which an action to recover damages for injury arising from domestic violence must be brought	Chapter 245 of the Laws of 2019
S.2440	Hoylman	AN ACT to amend the criminal procedure law, in relation to the statute of limitations in criminal prosecution of a sexual offense committed against a child; to amend the civil practice law and rules, in relation to the statute of limitations for civil actions related to a sexual offense committed against a child, reviving such actions otherwise barred by the existing statute of limitations and granting trial preference to such actions; to amend the general municipal law, in relation to providing that the notice of claim provisions shall not apply to such actions; to amend the court of claims act, in relation to providing that the notice of intention to file provisions shall not apply to such actions; to amend the	Chapter 11 of the Laws of 2019

		education law, in relation to providing that the notice of claim provisions shall not apply to such actions; and to amend the judiciary law, in relation to judicial training relating to sexual abuse of minors and rules reviving civil actions relating to sexual offenses committed against children	
S.2451	Kavanagh	AN ACT to amend the civil practice law and rules and the penal law, in relation to establishing extreme risk protection orders as court-issued orders of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun	Chapter 19 of the Laws of 2019
S.2505	Kaplan	AN ACT to amend the domestic relations law and the civil rights law, in relation to name changes upon marriage	Chapter 716 of the Laws of 2019
S.2844-B	Ramos	AN ACT to amend the lien law, in relation to employee liens; to amend the labor law, in relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft	Veto 291 of 2019
S.3221	Sanders	AN ACT to amend the real property law, in relation to directing the department of financial services to establish an internet website for federal home equity	Veto 173 of 2019

		conversion mortgage product comparison	
S.3337-C	Gaughran	AN ACT to amend the civil practice law and rules, in relation to the statute of limitations for public water suppliers and wholesale water suppliers to commence an action for injury to property	Chapter 442 of the Laws of 2019
S.3704	Kavanagh	AN ACT to amend the general obligations law, in relation to requirements for the use of plain language in consumer transactions	Chapter 363 of the Laws of 2019
S.3756	Mayer	AN ACT to amend the domestic relations law, in relation to waiving the fee for marriage licenses for active duty members of the armed forces	Chapter 177 of the Laws of 2019
S.3839	Hoylman	AN ACT to amend the real property law, in relation to requiring the inclusion of instruction in ethical business practices and recent legal matters in the continuing education requirements for real estate licensees	Chapter 392 of the Laws of 2019
S.3891	Sepulveda	AN ACT to amend the real property law, in relation to individuals with disabilities being able to terminate their leases when moving to a residence of a family member or entering certain facilities	Chapter 320 of the Laws of 2019
S.3987	Stavisky	AN ACT to amend the real property law, in relation to ground leases	Veto 170 of 2019
S.4122	Gaughran	AN ACT to amend the real property law, in relation to home inspection professional licensing	Chapter 541 of the Laws of 2019
S.4155	Hoylman	AN ACT to amend the surrogate's court procedure act, in relation to the granting of letters of administration and letters of administration with will annexed	Chapter 319 of the Laws of 2019

S.4206-A	Metzger	AN ACT to amend the general obligations law, in relation to genetically modified organisms	Chapter 612 of the Laws of 2019
S.4222	Harckham	AN ACT to amend the civil practice law and rules, in relation to the licensing board in the county of Westchester	Chapter 693 of the Laws of 2019
S.4236	Hoylman	AN ACT to amend the debtor and creditor law, the civil practice law and rules, the estates, powers and trusts law and the workers' compensation law, in relation to enacting the "uniform voidable transactions act"; and to repeal certain provisions of the debtor and creditor law relating to fraudulent conveyances	Chapter 580 of the Laws of 2019
S.4281-A	Biaggi	AN ACT to amend the real property law, in relation to the termination of a residential lease by a victim of domestic violence; and to repeal certain provisions of such law relating thereto	Chapter 694 of the Laws of 2019
S.4903	Ranzenhofer	AN ACT to amend the surrogate's court procedure act, in relation to removing invalid references	Chapter 520 of the Laws of 2019
S.4951-A	Sepulveda	AN ACT to amend the surrogate's court procedure act, in relation to raising the value of a small estate	Chapter 557 of the Laws of 2019
S.5491	Harckham	AN ACT to amend the lien law, in relation to disclosing if the property subject to lien is real property improved or to be improved with a single family dwelling	Chapter 538 of the Laws of 2019
S.5512	Hoylman	AN ACT to amend the surrogate's court procedure act, in relation to the commissions of donees of a power in trust, including donees of a power during minority	Chapter 601 of the Laws of 2019

S.5513	Hoylman	AN ACT to amend the estates, powers and trusts law, in relation to testamentary disposition to trustee under, or in accordance with, terms of existing inter vivos trust	Chapter 352 of the Laws of 2019
S.5515	Montgomery	AN ACT to amend the family court act and the domestic relations law, in relation to the date of adjustment and amount of the spousal maintenance cap	Chapter 523 of the Laws of 2019
S.5776	Hoylman	AN ACT to amend chapter 455 of the laws of 1997 amending the New York city civil court act and the civil practice law and rules relating to authorizing New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter	Chapter 47 of the Laws of 2019

OTHER BILLS REPORTED FROM THE COMMITTEE

In 2019, 28 of the 61 bills reported by the Senate Standing Committee on Judiciary did not pass both houses of the Legislature. Thirteen of the bills passed the Senate but did not pass the Assembly, 13 of the bills did not advance beyond the Third Reading Calendar in the Senate, and two of the bills remained in the Senate Finance Committee at the end of the Legislative Session.

Bill	Sponsor	Title	Action
S.221-A	Benjamin	AN ACT to amend the judiciary law, in relation to removing the lifetime ban on jury duty for convicted felons who have completed their sentencing	Passed Senate
S.429	Hoylman	AN ACT to amend the civil practice law and rules, in relation to claims relating to consumer goods	Advanced to Third Reading
S.482-A	Hoylman	AN ACT to amend the civil practice law and rules, in relation to limited liability of persons jointly liable	Advanced to Third Reading
S.877-A	Rivera	AN ACT to amend the civil practice law and rules, in relation to changing reference from physician, osteopath or dentist to health care practitioner	Passed Senate
S.1832	Gianaris	AN ACT to amend the New York city civil court act, the uniform district court act, the uniform city court act, and the uniform justice court act, in relation to civil jurisdictional limits	Passed Senate
S.1887	O'Mara	AN ACT to amend the civil practice law and rules, in relation to requiring all personal injury or wrongful death causes of action to include a prayer for general relief; and to amend the general municipal law, in relation to exempting notices of claim from such requirement	Advanced to Third Reading

S.2224-B	Sanders	AN ACT to amend the civil practice law and rules, in relation to establishing that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances	Passed Senate
S.2345	Kavanagh	AN ACT to amend the general obligations law and the labor law, in relation to the duties of skiers and snowboarders	Advanced to Third Reading
S.2719	Krueger	AN ACT to amend the civil practice law and rules, in relation to increasing penalties for failure to execute and file satisfied judgments of \$5,000 or more with the court clerk	Passed Senate
S.2804	Comrie	AN ACT to amend the personal property law, in relation to rental-purchase agreement forms	Advanced to Third Reading
S.2949-A	Stavisky	AN ACT to amend the real property law, in relation to requiring landlords to mitigate damages if a tenant vacates a premises in violation of the terms of the lease	Advanced to Third Reading
S.3468-B	Hoylman	AN ACT to amend the uniform city court act, the uniform district court act, the uniform justice court act and the New York city civil court act, in relation to obtaining jurisdiction over certain defendants	Advanced to Third Reading
S.3647	Gounardes	Concurrent Resolution of the Senate and Assembly proposing an amendment to section 6 of article 5 of the constitution, in relation to civil service appointments and promotions; veterans' preferences and credits	Passed Senate
S.3652	Biaggi	AN ACT to amend the domestic relations law and the executive law, in relation to designating lay individuals to solemnize marriages	Passed Senate

S.3754	Hoylman	AN ACT to amend the general obligations law, in relation to prohibiting employers from requiring certain conditions or preconditions of employment	Advanced to Third Reading
S.3819-A	Hoylman	AN ACT to amend the judiciary law, in relation to waiving the biennial attorney registration fee for New York attorneys who meet the federal public service loan forgiveness program employment qualifications	Reported to Finance Committee
S.3822	Savino	Concurrent Resolution of the Senate and Assembly proposing an amendment to section 1 of article 2 of the constitution, in relation to qualifications of voters	Passed Senate
S.3923	Hoylman	AN ACT to amend the general obligations law, in relation to reforming the statutory short form and other powers of attorney for purposes of financial and estate planning; and to repeal certain provisions of such law relating to statutory gift riders	Advanced to Third Reading
S.3937-B	Hoylman	AN ACT to amend the general obligations law, in relation to prohibiting agreements between employers that directly restrict the current or future employment of any employee	Advanced to Third Reading
S.3942-A	Sepulveda	AN ACT to amend the real property law, in relation to allowing tenants to deduct water payments they make for deficient landlords from their rent	Advanced to Third Reading
S.4006	Hoylman	AN ACT to amend the estates, powers and trusts law, in relation to payment and distribution of damages in wrongful death actions	Reported to Finance Committee
S.4312-A	Biaggi	AN ACT to amend the civil practice law and rules, in relation to establishing an exception for victims of child sexual abuse to the trust exemption from application to	Advanced to Third Reading

		the satisfaction of a money judgment	
S.4504-A	Parker	AN ACT to amend the civil practice law and rules, in relation to increasing the value of homesteads which are to be exempt from civil judgments	Passed Senate
S.4759-A	Kaminsky	AN ACT to amend the civil practice law and rules, in relation to permitting grand jury inspection of medical records pursuant to subpoena duces tecum powers	Passed Senate
S.5574	Sepulveda	AN ACT to amend the civil practice law and rules, in relation to the content of a summons with notice in certain actions	Passed Senate
S.5651	Hoylman	AN ACT to amend the real property law, in relation to violations of certain notice requirements; and to amend the real property tax law, in relation to prohibiting landlords from including incorrect information relating to rent decontrol in certain leases and renewals thereof pertaining to units subject to the Affordable New York Housing Program	Advanced to Third Reading
S.6168	Hoylman	AN ACT to amend the family court act and the domestic relations law, in relation to agreements and stipulations of child support	Passed Senate
S.6175	Kaplan	AN ACT to amend the estates, powers and trusts law, in relation to the revocatory effect of divorce and relatives of a former spouse	Passed Senate



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NEW YORK STATE SENATE
STANDING COMMITTEE
ON JUDICIARY