



2020 ANNUAL
REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON JUDICIARY



**SENATOR
BRAD HOYLMAN**
CHAIR

CHAIRMAN
JUDICIARY

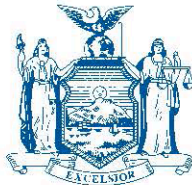
COMMITTEES
CITIES

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

Dear Majority Leader Stewart-Cousins:

As Chair of the Senate Standing Committee on Judiciary, I am pleased to submit the Committee's annual report for the 2020 Legislative Session.

Although this year's legislative calendar was disrupted by the COVID-19 pandemic, the Judiciary Committee met as regularly as possible, convening eight times to report 40 bills and approve four qualified nominees to the Court of Claims. In addition, the Committee held hearings on constitutional provisions impacting redistricting in 2020 and on the pandemic's impact on the operation of New York's courts, as well as a roundtable discussion about New York's first-ever administration of an online bar exam and alternate pathways to attorney admission.

I remain grateful for your leadership during this extremely challenging year and for the tireless efforts of the Majority Conference staff to ensure the smooth operation of the Committee as we pivoted to remotely-conducted meetings and hearings. I also thank all of my fellow committee members for their diligence and hard work.

Much more work remains to be done to ensure fairness, justice, due process, and equal protection under the law for all New Yorkers, and as long as I have the privilege of serving as Committee Chair I will continue to direct the Committee's efforts toward that ultimate goal.

Sincerely,

A handwritten signature in black ink that reads "Brad Hoylman".

Brad Hoylman
State Senator
27th District

2020 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	Senator Toby Ann Stavisky
Senator Jamaal T. Bailey	Senator Kevin Thomas
Senator Neil D. Breslin	Senator Thomas F. O'Mara
Senator Andrew Gounardes	Senator Phil Boyle
Senator Anna M. Kaplan	Senator Andrew J. Lanza
Senator Zellnor Myrie	Senator Kenneth P. LaValle
Senator Diane J. Savino	Senator Michael H. Ranzenhofer
Senator Luis R. Sepulveda	

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 2020 Legislative Session, 338 bills were referred to the Judiciary Committee for its review. Forty-nine bills were reported by the Committee, and of those 14 passed both houses of the Legislature, 19 passed the Senate only, 15 ended the Legislative Session on the Third Reading Calendar, and one ended in the Finance Committee. The Committee also voted on four nominees to the Court of Claims. The work of the Committee was completed over the course of eight 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 two hearings and roundtable in 2020:

EVALUATING CONSTITUTIONAL PROVISIONS IMPACTING REDISTRICTING IN 2022

**July 15, 2020
Online Hearing**

In July, the Committee held a hearing jointly with the Assembly Governmental Operations Committee and the Legislative Task Force on Demographic Research & Reapportionment (LATFOR) to evaluate the current legal structure of redistricting in New York State in advance of the upcoming redistricting cycle in 2021-2022.

Oral and written testimony was provided by an array of good government groups, voting rights experts, civil rights organizations, and legal scholars. The testimony provided at the hearing highlighted several significant issues with the constitutional redistricting process. The hearing resulted in S.8333 (Gianaris), a resolution to amend the state constitution that remedies many of the issues raised in the expert testimony, and which achieved first passage in both houses of the Legislature. The proposed amendment accelerates the redistricting timeline to account for earlier primary elections, fixes the number of State Senators at 63, repeals unconstitutional provisions, and makes several other changes to implement a more fair redistricting process.

EXAMINING THE RE-OPENING AND OPERATION OF NEW YORK'S COURTS DURING THE COVID-19 PANDEMIC

**August 21, 2020
Online Hearing**

In August, the Committee held a hearing jointly with the Senate Codes and Housing, Construction & Community Development Committees to provide legislators with an opportunity to examine the status of court proceedings and filings, consider measures taken by the Office of Court Administration and the Unified Court System to reduce the spread of COVID-19 in court facilities, and ascertain the unique impacts that legal proceedings during a pandemic have on individuals.

Witnesses included the Hon. Lawrence Marks, the Chief Administrative Judge of the New York State Unified Court System, as well as representatives from judicial

associations, criminal and civil legal services providers, minority bar associations, and court personnel unions.

While Judge Marks mounted a spirited defense of the Unified Court System's response to the pandemic, the rest of the witnesses expressed varying degrees of concern about the health and safety of judges, non-judicial personnel and the public, as well as concerns about the pandemic's impact on access to justice for criminal defendants, domestic violence victims, tenants facing eviction, and indigent litigants.

A DISCUSSION ABOUT THE IMPACT OF THE COVID-19 PANDEMIC ON RECENT LAW SCHOOL GRADUATES, THE NEW YORK BAR EXAM, AND ALTERNATE PATHWAYS TO ATTORNEY ADMISSION

**August 18, 2020
Online Roundtable**

Also in August, the Committee held a roundtable discussion about the disruption caused by the COVID-19 pandemics on recent law school graduates and the administration of New York's bar exam.

The roundtable panelists included several law school graduates, Cornell Law School Dean Eduardo Penalver, Ohio State Law Professor Deborah Jones Merritt, and Jared Trujillo, the President of the Association of Legal Aid Attorneys. The panelists spoke eloquently about the experience of graduates trying to navigate a shifting timeline for the New York Bar Exam amid the stresses of a global pandemic, their concerns about the equity, accessibility and privacy of an online exam, and alternate pathways to attorney admission such as diploma privilege.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2020:

- **S.5959-D (Savino):** AN ACT to amend the civil rights law, in relation to establishing the right of publicity and to providing a private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual. **SIGNED, CHAPTER 304 OF THE LAWS OF 2020.**
- **S.7082 (Hoylman):** AN ACT to amend the civil practice law and rules, in relation to extending the statute of limitations for certain child sexual abuse cases. **SIGNED, CHAPTER 130 OF THE LAWS OF 2020.**
- **S.8192-B (Hoylman):** AN ACT in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period. **SIGNED, CHAPTER 127 OF THE LAWS OF 2020.**
- **S.8598 (Parker):** AN ACT to amend the general construction law, in relation to designating June nineteenth as a public holiday. **SIGNED, CHAPTER 249 OF THE LAWS OF 2020.**
- **S.8833 (Gianaris):** Concurrent Resolution of the Senate and Assembly proposing an amendment to sections 2, 4, 5, 5-a and 5-b of article 3 of the constitution, in relation to the number of state senators and inclusion of incarcerated persons in the federal census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for congressional and state legislative offices; and to repeal section 3 of article 3 of the constitution relating thereto. **ACHIEVED FIRST PASSAGE IN BOTH HOUSES, DELIVERED TO SECRETARY OF STATE.**

TWO HOUSE BILLS

In 2020, 14 of the 49 bills reported by the Senate Standing Committee on Judiciary passed both houses of the Legislature. One of the bills that passed both houses was a constitutional amendment requiring no further action by the Governor. The remaining 13 bills were signed into law, with no vetoes.

Bill	Sponsor	Title	Action
S.1951	Bailey	AN ACT to amend the New York city civil court act, in relation to requiring the office of court administration to promulgate certain housing court documents provided to parties in their native language	Chapter 223 of the Laws of 2020
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	Chapter 227 of the Laws of 2020
S.3923-A	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	Chapter 323 of the Laws of 2020
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	Chapter 143 of the Laws of 2020
S.5959-D	Savino	AN ACT to amend the civil rights law, in relation to establishing the right of publicity and to providing a private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual	Chapter 304 of the Laws of 2020
S.6658-B	Bailey	AN ACT to amend the executive law, in relation to the designation of Abolition Commemoration day as a day of commemoration	Chapter 237 of the Laws of 2020
S.6873	Ritchie	AN ACT to authorize the towns of Lorraine and Worth in Jefferson county to elect a single town justice to preside in the town courts of such towns	Chapter 271 of the Laws of 2020
S.6874-A	Gaughran	AN ACT to amend the real property law, in relation to the power to revoke or suspend the license of a real estate broker or salesman	Chapter 131 of the Laws of 2020 Chapter 130 of the

Bill No.	Sponsor	Title	Action
S.7082	Hoylman	AN ACT to amend the civil practice law and rules, in relation to extending the statute of limitations for certain child sexual abuse cases	Laws of 2020
S.7703	Hoylman	AN ACT to amend the judiciary law, in relation to expanding the functions of the chief administrator of the courts to include the compilation of certain data with respect to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation by specific jurisdiction and submit an annual report of his or her findings	Chapter 273 of the Laws of 2020
S.8192-B	Hoylman	AN ACT in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period	Chapter 127 of the Laws of 2020
S.8302	Ritchie	AN ACT to amend the uniform city court act and the judiciary law, in relation to Watertown city court judges	Chapter 273 of the Laws of 2020
S.8598	Parker	AN ACT to amend the general construction law, in relation to designating June nineteenth as a public holiday	Chapter 249 of the Laws of 2020
S.8833	Gianaris	Concurrent Resolution of the Senate and Assembly proposing an amendment to sections 2, 4, 5, 5-a and 5-b of article 3 of the constitution, in relation to the number of state senators and inclusion of incarcerated persons in the federal census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for congressional and state legislative offices; and to repeal section 3 of article 3 of the constitution relating thereto	Delivered to Secretary of State

OTHER BILLS REPORTED FROM THE COMMITTEE

In 2020, 35 of the 49 bills reported by the Senate Standing Committee on Judiciary did not pass both houses of the Legislature. Nineteen of the bills passed the Senate but did not pass the Assembly, 15 of the bills did not advance beyond the Third Reading Calendar, and one remained in the Finance Committee at the end of the Legislative Session.

Bill	Sponsor	Title	Action
S.429-A	Hoylman	AN ACT to amend the civil practice law and rules, in relation to claims relating to consumer goods	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.1256-A	Parker	AN ACT to designate certain zip codes as cease and desist zones	Passed Senate
S.1446	Sanders	AN ACT to amend the real property law, in relation to requiring the disclosure of indoor mold history upon the sale of certain real property	Passed Senate
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-A	Kavanagh	AN ACT to amend the general obligations law and the labor law, in relation to the duties of skiers and snowboarders	Third Reading
S.3137	Myrie	AN ACT to amend the debtor and creditor law, in relation to exempting a debtor's interest in his or her rent-stabilized lease from bankruptcy proceedings	Third Reading
S.3468-C	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	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

Bill No.	Sponsor	Title	Action
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.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.3937-C	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	Passed Senate
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	Died in Finance Committee
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.4629-A	Breslin	AN ACT to amend the real property law, in relation to prohibiting mortgagees from requiring mortgagors of certain real property to purchase flood insurance exceeding certain limits	Third Reading
S.4759-C	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.5047	Krueger	AN ACT to amend the New York city civil court act and the real property actions and proceedings law, in relation to stipulations in summary proceedings to recover possession of real property	Passed Senate
S.5164-B	Biaggi	AN ACT to amend the civil practice law and rules, in relation to judgments	Third Reading
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-A	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	Third Reading

Bill No.	Sponsor	Title	Action
S.5683-A	Comrie	AN ACT to amend the real property law, in relation to eliminating unreasonable fees levied on tenants for reproductions of keys	Passed Senate
S.5710	Hoylman	AN ACT to amend the real property law, in relation to requiring the secretary of state to promulgate rules or regulations requiring real estate salespersons and brokers to legibly write their name and license number on certain documents	Third Reading
S.6050-A	Hoylman	AN ACT to amend the domestic relations law, in relation to including acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of property during divorce proceedings	Third Reading
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	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.6334-A	Hoylman	AN ACT to amend the civil practice law and rules, in relation to class actions	Third Reading
S.6534	Montgomery	AN ACT to amend the family court act, in relation to use of restraints on children appearing before the family court	Passed Senate
S.6698	Gounardes	AN ACT to amend the estates, powers and trusts law, in relation to inheritance by children conceived after the death of a genetic parent	Third Reading
S.6727-B	Thomas	AN ACT to amend the general obligations law, in relation to the liability of payroll processing companies	Passed Senate
S.6831	Hoylman	AN ACT to amend the civil practice law and rules, in relation to making technical corrections to ensure gender neutrality for the admission to practice law and preventing any required disclosure of mental health history	Third Reading
S.7116	Kaminsky	AN ACT to amend the judiciary law, in relation to requiring judges who recuse themselves to provide the reason for the recusal	Third Reading

Bill No.	Sponsor	Title	Action
S.7256	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	Passed Senate
S.7638	Comrie	AN ACT to amend the judiciary law, in relation to requiring the chief administrator of the courts to submit an annual report on the Drug Treatment Court Program	Passed Senate
S.7929	Mayer	AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to notifying certain individuals of their ability to apply for an extreme risk protection order	Passed Senate
S.8582	Liu	AN ACT to amend the general obligations law, in relation to declaring agreements exempting employers from liability for negligence related to the COVID-19 pandemic void and unenforceable	Third Reading



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