

Brad Hoylman Sigal
Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

- | | | | | |
|----------------|---------------|---------------|----------------|--------------|
| s15 Addabbo | s34 Fernandez | s28 Krueger | s01 Palumbo | s42 Skoufis |
| s43 Ashby | s60 Gallivan | s24 Lanza | s21 Parker | s11 Stavisky |
| s36 Bailey | s12 Gianaris | s16 Liu | s19 Persaud | s45 Stec |
| s57 Borrello | s59 Gonzalez | s50 Mannion | s13 Ramos | s35 Stewart- |
| s46 Breslin | s26 Gounardes | s04 Martinez | s05 Rhoads | Cousins |
| s25 Brisport | s53 Griffo | s07 Martins | s33 Rivera | s44 Tedisco |
| s55 Brouk | s40 Harckham | s02 Mattera | s39 Rolison | s06 Thomas |
| s09 Canzoneri- | s54 Helming | s48 May | s61 Ryan | s49 Walczyk |
| Fitzpatrick | s41 Hinchey | s37 Mayer | s18 Salazar | s52 Webb |
| s17 Chu | s47 Hoylman- | s03 Murray | s10 Sanders | s38 Weber |
| s30 Cleare | Sigal | s20 Myrie | s23 Scarcella- | s08 Weik |
| s14 Comrie | s31 Jackson | s51 Oberacker | Spanton | |
| s56 Cooney | s27 Kavanagh | s58 O'Mara | s32 Sepulveda | |
| s22 Felder | s63 Kennedy | s62 Ort | s29 Serrano | |

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

CRIMIPLA
(Authorizes the chief administrator
of the courts to require and provide
annual training regarding bail,
recognizance, and commitment proce-
dures and standards)

CP L. judicial bail training

AN ACT

to amend the criminal procedure law,
in relation to authorizing the chief
administrator of the courts to
require and provide at least three
hours of annual training regarding
bail, recognizance, and commitment
procedures and standards

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

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

- | | | | | |
|-------------------|--------------------|------------------|--------------------|----------------|
| a078 Alvarez | a140 Conrad | a150 Goodell | a017 Mikulin | a016 Sillitti |
| a031 Anderson | a032 Cook | a116 Gray | a122 Miller | a052 Simon |
| a121 Angelino | a039 Cruz | a100 Gunther | a051 Mitaynes | a075 Simone |
| a037 Ardila | a043 Cunningham | a139 Hawley | a145 Morinello | a114 Simpson |
| a035 Aubry | a021 Curran | a083 Heastie | a144 Norris | a094 Slater |
| a120 Barclay | a018 Darling | a028 Hevesi | a045 Novakhov | a005 Smith |
| a106 Barrett | a053 Davila | a128 Hunter | a069 O'Donnell | a118 Smullen |
| a105 Bepphan | a072 De Los Santos | a029 Hyndman | a091 Otis | a022 Solages |
| a107 Bendett | a003 DeStefano | a079 Jackson | a132 Palmesano | a110 Steck |
| a082 Benedetto | a070 Dickens | a104 Jacobson | a088 Paulin | a010 Stern |
| a042 Bichotte | a054 Dilan | a011 Jean-Pierre | a141 Peoples- | a127 Stirpe |
| Hermelyn | a081 Dinowitz | a134 Jensen | Stokes | a102 Tague |
| a117 Blankenbush | a147 DiPietro | a115 Jones | a023 Pheffer | a064 Tannousis |
| a015 Blumencranz | a009 Durso | a077 Joyner | Amato | a086 Tapia |
| a073 Bores | a099 Eachus | a125 Kelles | a063 Pirozollo | a071 Taylor |
| a098 Brabenec | a048 Eichenstein | a040 Kim | a089 Pretlow | a001 Thiele |
| a026 Braunstein | a074 Epstein | a013 Lavine | a019 Ra | a033 Vanel |
| a138 Bronson | a109 Faby | a065 Lee | a030 Raga | a055 Walker |
| a046 Brook-Krasny | a061 Fall | a126 Lemondes | a038 Rajkumar | a143 Wallace |
| a020 Brown, E. | a008 Fitzpatrick | a095 Levenberg | a006 Ramos | a112 Walsh |
| a012 Brown, K. | a004 Flood | a060 Lucas | a062 Reilly | a041 Weinstein |
| a093 Burdick | a057 Forrest | a135 Lunsford | a087 Reyes | a024 Weprin |
| a085 Burgos | a124 Friend | a123 Lupardo | a149 Rivera | a059 Williams |
| a142 Burke | a050 Gallagher | a129 Magnarelli | a027 Rosenthal, D. | a113 Woerner |
| a119 Buttenschon | a131 Gallahan | a101 Maher | a067 Rosenthal, L. | a080 Zaccaro |
| a133 Byrnes | a007 Gandolfo | a036 Marndani | a025 Rozic | a096 Zebrowski |
| a044 Carroll | a068 Gibbs | a130 Manktelow | a111 Santabarbara | a056 Zinerman |
| a058 Chandler- | a002 Giglio, J.A. | a108 McDonald | a090 Sayegh | |
| Waterman | a148 Giglio, J.M. | a014 McDonough | a076 Seawright | |
| a049 Chang | a066 Glick | a097 McGowan | a084 Septimo | |
| a136 Clark | a034 Gonzalez- | a146 McMahon | a092 Shimsky | |
| a047 Colton | Rojas | a137 Meeks | a103 Shrestha | |

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. The section heading of section 10.40 of the criminal proce-
2 dure law, as amended by chapter 237 of the laws of 2015, is amended and
3 new subdivision 1-a is added to read as follows:

4 Chief administrator to prescribe forms, to require training and to
5 authorize use of electronic filing.

6 1-a. The chief administrator of the courts shall have the power and
7 responsibility to require and provide at least three hours of annual
8 training regarding bail, recognizance, and commitment procedures and
9 standards for all judges exercising preliminary jurisdiction over any
10 offense. Such training shall include a thorough explanation of relevant
11 and recent statutory changes to this chapter.

12 § 2. Section 10.40 of the criminal procedure law, as amended by chap-
13 ter 102 of the laws of 2020, is amended to read as follows:

14 § 10.40 Chief administrator to prescribe forms and to require training.

15 1. The chief administrator of the courts shall have the power to
16 adopt, amend and rescind forms for the efficient and just administration
17 of this chapter. Such forms shall include, without limitation, the forms
18 described in paragraph (z-1) of subdivision two of section two hundred
19 twelve of the judiciary law. A failure by any party to submit papers in
20 compliance with forms authorized by this section shall not be grounds
21 for that reason alone for denial or granting of any motion.

22 2. The chief administrator of the courts shall have the power and
23 responsibility to require and provide at least three hours of annual
24 training regarding bail, recognizance, and commitment procedures and
25 standards for all judges exercising preliminary jurisdiction over any
26 offense. Such training shall include a thorough explanation of relevant
27 and recent statutory changes to this chapter.

1 § 3. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law; provided however, that
3 the amendments to section 10.40 of the criminal procedure law made by
4 section one of this act shall be subject to the expiration and reversion
5 of such section pursuant to section 11 of chapter 237 of the laws of
6 2015, as amended, when upon such date the provisions of section two of
7 this act shall take effect.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER:

SPONSOR: HOYLMAN-SIGAL

TITLE OF BILL:

An act to amend the criminal procedure law, in relation to authorizing the chief administrator of the courts to require and provide at least three hours of annual training regarding bail, recognizance, and commitment procedures and standards.

PURPOSE:

To ensure judges and justices exercising jurisdiction over criminal pre-trial proceedings are adequately trained in the law and updated on relevant statutory changes.

SUMMARY OF SPECIFIC PROVISIONS:

Sections 1 and 2 amend Criminal Procedure Law § 10.40 to provide the chief administrator of the courts the power and responsibility to provide three hours of annual training on bail, recognizance, and commitment procedures and standards for all judges exercising preliminary jurisdiction over any offense.

Section 2 is the effective date.

JUSTIFICATION:

New York's criminal justice laws have gone through several significant changes in recent years, but there has been no statewide requirement that criminal court judges train and educate themselves about the changes in the law. This legislation will ensure that all judges exercising preliminary jurisdiction over criminal cases have adequate training to make decisions about bail, remand, and release on recognizance in accordance with the current law.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

TBD.

EFFECTIVE DATE:

This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

- | | | | | |
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| Hermelyn | a081 Dinowitz | a134 Jensen | Stokes | a102 Tague |
| a117 Blankenbush | a147 DiPietro | a115 Jones | a023 Pheffer | a064 Tannousis |
| a015 Blumencranz | a009 Durso | a077 Joyner | Amato | a086 Tapia |
| a073 Bores | a099 Eachus | a125 Kelles | a063 Pirozolo | a071 Taylor |
| a098 Brabenec | a048 Eichenstein | a040 Kim | a089 Pretlow | a001 Thiele |
| a026 Braunstein | a074 Epstein | a013 Lavine | a019 Ra | a033 Vanel |
| a138 Bronson | a109 Fahy | a065 Lee | a030 Raga | a055 Walker |
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| a085 Burgos | a124 Friend | a123 Lupardo | a149 Rivera | a059 Williams |
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with M. of A. as co-sponsors

--read once and referred to the
Committee on

JUDILA
(Relates to the powers and authority
of the state commission on judicial
conduct)

Jud. commission judicial conduct

AN ACT

to amend the judiciary law, in
relation to requiring the state
commission on judicial conduct to
transmit its annual budget request
to the governor for inclusion in the
executive budget without revision;
to complaints regarding judges; and
to extending the jurisdiction of the
state commission on judicial conduct
as to judges who resign or retire
while under investigation or formal
charges

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

1 Section 1. Section 42 of the judiciary law is amended by adding a new
2 subdivision 7 to read as follows:

3 7. To transmit its annual budget request to the governor for inclusion
4 in the executive budget without revision but with such recommendation as
5 the governor may deem proper.

6 § 2. Subdivision 4 of section 44 of the judiciary law, as added by
7 chapter 156 of the laws of 1978, is amended to read as follows:

8 4. If in the course of an investigation, the commission determines
9 that a hearing is warranted it shall direct that a formal written
10 complaint signed and verified by the administrator be drawn and served
11 upon the judge involved, either personally or by certified mail, return
12 receipt requested. The judge shall file a written answer to the [the]
13 formal written complaint with the commission within twenty days of such
14 service. The formal written complaint and answer, and the record of
15 proceedings thereafter, including the hearing and any proceedings before
16 the commission, shall be public. If, upon receipt of the answer, or upon
17 expiration of the time to answer, the commission shall direct that a
18 hearing be held with respect to the formal written complaint, the judge
19 involved shall be notified in writing of the date of the hearing either
20 personally, at least twenty days prior thereto, or by certified mail,
21 return receipt requested, at least twenty-two days prior thereto. Upon
22 the written request of the judge, the commission shall, at least five
23 days prior to the hearing or any adjourned date thereof, make available
24 to the judge without cost copies of all documents which the commission
25 intends to present at such hearing and any written statements made by
26 witnesses who will be called to give testimony by the commission. The
27 commission shall, in any case, make available to the judge at least five
28 days prior to the hearing or any adjourned date thereof any exculpatory

1 evidentiary data and material relevant to the formal written complaint.
2 The failure of the commission to timely furnish any documents, state-
3 ments and/or exculpatory evidentiary data and material provided for
4 herein shall not affect the validity of any proceedings before the
5 commission provided that such failure is not substantially prejudicial
6 to the judge. The complainant may be notified of the hearing and unless
7 he shall be subpoenaed as a witness by the judge, his presence thereat
8 shall be within the discretion of the commission. [The hearing shall not
9 be public unless the judge involved shall so demand in writing.] At the
10 hearing the commission may take the testimony of witnesses and receive
11 evidentiary data and material relevant to the formal written complaint.
12 The judge shall have the right to be represented by counsel during any
13 and all stages of the hearing and shall have the right to call and
14 cross-examine witnesses and present evidentiary data and material rele-
15 vant to the formal written complaint. A transcript of the proceedings
16 and of the testimony of witnesses at the hearing shall be taken and kept
17 with the records of the commission.

18 § 3. Section 45 of the judiciary law, as amended by chapter 35 of the
19 laws of 1983, is amended to read as follows:

20 § 45. Confidentiality of records. [1.] Except as hereinafter provided,
21 all complaints, correspondence, commission proceedings and transcripts
22 thereof, other papers and data and records of the commission shall be
23 confidential and shall not be made available to any person except pursu-
24 ant to section forty-four of this article. The commission and its desig-
25 nated staff personnel shall have access to confidential material in the
26 performance of their powers and duties. If the judge who is the subject
27 of a complaint so requests in writing, copies of [the] any pending
28 complaint, [the transcripts of hearings by the commission thereon, if

1 any] any documents made public pursuant to section forty-four of this
2 article, and the dispositive action of the commission with respect to
3 [the] any complaint resulting in a caution, admonition, censure,
4 removal, retirement, or resignation from judicial office, such copies
5 with any reference to the identity of any person who did not participate
6 at any such hearing suitably deleted therefrom, except the subject judge
7 or complainant, shall be made available for inspection and copying to
8 the public, or to any person, agency or body designated by such judge.

9 [2. Notwithstanding any provision in this section, the commission,
10 with the consent of the applicant, shall provide the record of any
11 proceeding pursuant to a formal written complaint against an applicant
12 for judicial appointment in which the applicant's misconduct was estab-
13 lished, any pending complaint against an applicant, and the record to
14 date of any pending proceeding pursuant to a formal written complaint
15 against an applicant for judicial appointment:

16 (a) to the commission on judicial nomination established by article
17 three-A of this chapter, with respect to applicants for appointment to
18 the court of appeals;

19 (b) to the governor with respect to all applicants whom the governor
20 indicates are under consideration for any judicial appointment; and

21 (c) to the temporary president of the senate and the chairman of the
22 senate judiciary committee with respect to all nominees for judicial
23 appointments which are subject to the advice and consent of the senate.]

24 The commission shall respond within fifteen days of a request for the
25 information provided for in this [subdivision] section.

26 § 4. Section 47 of the judiciary law, as added by chapter 156 of the
27 laws of 1978, is amended to read as follows:

1 § 47. Resignation or retirement not to divest commission or court of
2 appeals of jurisdiction. The jurisdiction of the court of appeals and
3 the commission pursuant to this article shall continue notwithstanding
4 that a judge resigns or retires from office after a [determination of
5 the commission that the judge be removed from office has been transmit-
6 ted to the chief judge of the court of appeals,] formal written
7 complaint authorized pursuant to section forty-four of this article has
8 been served on the judge or in any case in which the [commission's
9 determination that a judge should be removed from office shall be trans-
10 mitted to the chief judge of the court of appeals] formal written
11 complaint is served on the judge within one hundred twenty days after
12 receipt by the chief administrator of the courts of the resignation or
13 retirement of such judge. Any determination by the court of appeals
14 that a judge who has resigned or retired should be removed from office
15 shall render such judge ineligible to hold any other judicial office.
16 The chief administrator of the courts shall give written notice to the
17 commission of the resignation or retirement of any judge who is the
18 subject of an investigation within five days after his receipt thereof.

19 § 5. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER:

SPONSOR: HOYLMAN-SIGAL

TITLE OF BILL: An act to amend the judiciary law, in relation to requiring the state commission on judicial conduct to transmit its annual budget request to the governor for inclusion in the executive budget without revision; to complaints regarding judges; and to extending the jurisdiction of the state commission on judicial conduct as to judges who resign or retire while under investigation or formal charges

PURPOSE OR GENERAL IDEA OF BILL:

To increase the independence, transparency and jurisdiction of the Commission on Judicial Conduct

SUMMARY OF PROVISIONS:

Section 1 requires the executive budget to transmit with comment but without amendment the Commission on Judicial Conduct's annual budget request to the Legislature

Sections 2 and 3 make Commission proceedings public when a judge is formally charged with misconduct

Section 4 extends the Commission's jurisdiction to judges who resign or retire while under investigation or formal charges.

Section 5 is the effective date.

JUSTIFICATION:

The Commission on Judicial Conduct (CJC) ensures the public's trust in our judicial system by ensuring that an independent body investigates potential wrongdoing by judges and justices. This bill would enhance the CJC's ability to perform its work by ensuring the Legislature receives its annual budget request unmodified, providing greater transparency by making proceedings public when a judge or justice is formally charged with misconduct, and prevents judges and justices from escaping the CDC's jurisdiction simply by retiring or resigning.

PRIOR LEGISLATIVE HISTORY:

New bill

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.