

New York State Assembly

**Carl E. Heastie**

*Speaker*



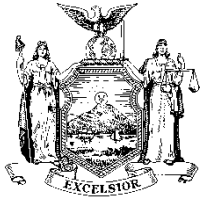
Committee on Judiciary

**Helene E. Weinstein**

*Chairperson*

**2016**

**ANNUAL REPORT**



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ALBANY

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Aging  
Codes  
Rules  
Ways and Means

Court Facilities Capital Review Board

December 15, 2016

The Honorable Carl E. Heastie  
Speaker of the Assembly  
Room 932, Legislative Office Building  
Albany, New York 12248

**Re: Annual Report of the Committee on Judiciary – 2016**

Dear Speaker Heastie:

As Chairperson of the Assembly Standing Committee on Judiciary, I am pleased to present to you the Committee's Annual Report for the 2016 Legislative Session.

The Annual Report reviews the work of the Committee on Judiciary and highlights many of its major initiatives. It also includes a brief overview of various budgetary matters that concern the courts of the state and other areas within the committee's purview.

The Judiciary Committee tackled many high profile issues in 2016, including enforcement of child support, protecting due process rights in custody cases, protections for domestic violence victims and children, free speech safeguards, and protections for the elderly and disabled, many of which have been enacted into law.

A top priority of the Committee each year is ensuring that funding is added to the state budget for civil legal services for low-income New Yorkers. The Judiciary Committee remains a strong advocate for providing civil legal services to those in need. This year, the Assembly continued its support for civil legal services in New York State by restoring its traditional funding and an increased appropriation for civil legal services through the Judiciary budget.

I would like to acknowledge the hard work of the members of the Committee on Judiciary and all of the members of the Assembly for their continued commitment to its work and to progressive legislation. As always, your continued support is deeply appreciated.

Sincerely,

Helene E. Weinstein, Chairperson  
Assembly Standing Committee on Judiciary

**2016 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON JUDICIARY**

**Helene E. Weinstein, Chair**

**MEMBERS OF THE STANDING COMMITTEE**

**Majority**

Jeffrey Dinowitz  
Michele R. Titus  
Charles D. Lavine  
Kenneth P. Zebrowski  
David I. Weprin  
Edward C. Braunstein  
Aravella Simotas  
Daniel Quart  
Matthew J. Titone  
David Buchwald  
Phillip Steck  
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Jo Anne Simon  
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Michael A. Montesano, Ranking Member  
Will Barclay  
Andrew Goodell  
Alfred C. Graf  
Chad A. Lupinacci  
Anthony H. Palumbo

**Staff**

Daniel Salvin, Assistant Secretary for Program & Policy  
Richard Ancowitz, Counsel  
Amy Maggs, Associate Counsel  
Justin Birzon, Associate Counsel  
Sarah Beaver, Committee Clerk  
Nadia Gareeb, Counsel for Helene Weinstein

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## **I. COMMITTEE JURISDICTION**

The Assembly Committee on Judiciary has jurisdiction over legislation affecting all aspects of both state and local courts. It has primary jurisdiction over amendments to the State Constitution, Civil Practice Law and Rules, Judiciary Law, Uniform Court Acts, Family Court Act, Surrogate's Court and Procedure Act, Domestic Relations Law, Estates Powers and Trusts Law, Uniform Commercial Code, Lien Law, Debtor-Creditor Law, General Obligations Law, Real Property Law, Real Property Actions and Proceedings Law, Civil Rights Law, Partnership Law, Eminent Domain Procedure Law and Indian Law. The Committee also shares budgetary oversight of the Office of Court Administration and the Department of Law with the Assembly Ways and Means Committee. In addition, all proposed amendments to the New York State Constitution are considered by the Judiciary Committee.

The highlights that follow demonstrate the breadth, diversity, and importance of the Judiciary Committee's work in 2016.

## II. LEGISLATIVE ACCOMPLISHMENTS<sup>1</sup>

### A. PROTECTING DOMESTIC VIOLENCE VICTIMS, CHILDREN AND FAMILIES

#### 1. Extending the authority of court attorney referees and Judicial Hearing Officers to issue orders of protection in family court – Chapter 48- A.9686 [Bronson]/S.7351 [Bonacic].

This law extends for two additional years, the current ability of referees and Judicial Hearing Officers to hear and determine orders of protection in family court that are heard ex-parte or on default to provide more access to the courts for victims of domestic violence.

#### 2. Relates to enforcement of child support and spousal support orders in Supreme Court – Chapter 365 - A.7253[Weinstein]/S.5189[Bonacic]

This law aligns enforcement of child or spousal support orders in Supreme Court with Family Court by removing the requirement to exhaust all other enforcement remedies before seeking contempt in Supreme Court against a person who fails to pay child or spousal support.

The following bills were passed by the Assembly only.

#### 1. Providing translation services regarding orders of protection - A.162 [Weinstein]/S.1788[Espaillet].

This measure sets forth the requirements for interpreting orders of protection into the appropriate language to help parties that are hearing impaired or have limited English proficiency to better understand the essential terms of an order of protection as outlined by the court.

#### 2. Protecting due process rights of parents in custody cases - A. 290 [Weinstein]/S.7089[Savino].

This measure provides for uniform access to court-ordered forensic mental health evaluation reports and underlying data by litigants. The bill addresses longstanding due process concerns relating to limited access to information that has significant bearing on parental rights to their children.

#### 3. Issuance of order of spousal support in family offense proceeding - A.7032A[Mayer]/S.5815A[Savino].

Similar to the existing authority of family court to issue child support in family offense proceedings, and in recognition of the financial barriers to fleeing domestic violence, this measure authorizes the family court to also order spousal support when issuing temporary or final orders of protection.

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<sup>1</sup> All references to chapters, except where otherwise noted, are to chapters of the laws of 2016.

**4. Notification of rights of victims of domestic violence in criminal and family court proceedings - A.9628[Weinstein].**

This legislation simplifies the language of the notice of rights and expectations that is required to be provided by law enforcement to domestic violence victims, and requires that the notice be available at a minimum in English, Spanish, Chinese and Russian.

**5. Dispositional options in child protective proceedings in family court - A.10341[Weinstein]/S.7220A[Avella].**

This measure clarifies and broadens the use of adjournments in contemplation of dismissal (ACD) and suspended judgments in child protection cases, thereby providing judges and parties in family court with more options to resolve complex cases in keeping with a rehabilitative purpose.

**6. Protecting victims from having to choose between safety and housing - A. 1322 [Lavine]/S.4955[Robach].**

This legislation protects the right of domestic violence and crime victims to request assistance without fear of losing their housing. This legislation provides that victims of domestic violence and crime victims have the right to request police and emergency assistance without penalty or reprisal from a local nuisance ordinance.

**7. Safeguarding and expanding legal remedies for victims of domestic violence - A.7037[Zebrowski]/S.4902[Stavisky].**

This measure would recognize the unique nature of domestic violence and its impact upon victims, and would allow additional time to victims to press their claims in court. In most cases, this measure would expand the statute of limitation from one to two years.

**The following bill was reported by the Assembly Judiciary Committee and was pending at the conclusion of session.**

**1. Removing restraints on children in family court - A.7879[Gantt]/S.7605[Bonacic].**

This legislation establishes a presumption prohibiting the use of physical restraints on youth under the age of 21 in family court, unless the court determines, after a hearing, that restraints are necessary under certain limited circumstances.

## **B. PROTECTING TENANTS AND HOMEOWNERS**

### **1. Combatting Vacant and Abandoned (Zombie) Properties and Ensuring Good Faith Negotiations During Mandatory Settlement Conferences in Residential Foreclosure Actions - Part Q of Chapter 73 - A.10741[Farrell]/S.8159[Flanagan].**

The Committee worked on and helped enact this law which expands the maintenance requirements for Zombie properties by requiring a majority of lenders to inspect and maintain Zombie properties prior to and during pendency of a residential foreclosure; creates a Zombie property registry and a hotline to report such properties; authorizes expedited processing of residential foreclosures on Zombie properties; and ensures compliance with the State's settlement conference law by clearly authorizing the court to impose financial sanctions against lenders who do not make good faith efforts to resolve residential mortgage foreclosure actions.

### **2. Creation of the Community Restoration Fund - Chapter 72- A.10730 [Weinstein]/S.8141 [Savino].**

The Committee worked on and helped enact this law to preserve homeownership and to promote neighborhood stabilization in all parts of New York State that are hard hit by foreclosures. The Fund will provide home-saving solutions and alternative affordable housing solutions for homeowners who are either delinquent on their mortgage payments, or are in danger of going into default because of economic hardship.

**The following bills passed the Assembly only.**

### **1. Establishing time restrictions to remove or remedy dangerous housing conditions – A.406 [Dinowitz]/S.1309 [Peralta].**

This measure sets a 60 day limit on the time within which a property owner must remedy a dangerous building violation, by requiring landlords to make necessary repairs in a timely fashion or risk losing control over the property.

### **2. Defense of Standing – A.247 [Weinstein]/S.5241 [Savino].**

This homeowner protection measure would ensure that only legally entitled parties are able to bring foreclosure suits against homeowners, and would preserve homeowners' related defenses.

### **3. Relates to providing recourse for manufactured homeowners – A.6269 [Thiele]/S.4436 [Lavelle].**

This bill permits manufactured homeowners to challenge unjustified rent increases by manufactured home parks.



The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

1. **Requiring interpretation of certain housing court documents – A.7968B[Joyner].**

This measure requires that parties in proceedings before New York City Housing Court who are not fluent in English are provided with an interpretation of certain housing court documents, including stipulations, in their native language.

2. **Strengthening the law related to good faith home purchasers - A.10424[Mosley].**

This measure closes a loophole in the current law that allows deed scammers to hide behind the excuse that they had no notice that the property they purchased was fraudulently transferred to them.

3. **Notary accountability in cases involving residential real property conveyance - A.10425A[Walker]/S.8058[Lanza].**

This measure would prevent fraudulent deed transfers by increasing the accountability of notaries.

4. **Increased protections for homeowners with distressed home loans - A.10423A[Weinstein].**

This bill closes existing loopholes in the law to not only prevent deed fraud and mortgage scams, but to also increase the likelihood that a victim will have the opportunity to seek recovery in court. The bill also gives the District Attorney tools for civil remedies related to fraudulent deed transfers.

C. **ADMINISTRATION OF JUSTICE**

1. **Expanding Jury Pools in Federal Court – Chapter 284 - A.9273 [Morelle]/S.7196 [Robach].**

This law broadens the types of information and lists which New York State shall provide to the Federal courts, consistent with what is provided for State courts, to include persons receiving unemployment or public assistance benefits, and to also include persons filing tax returns in New York.

2. **Improving Judicial Health and Wellness - Chapter 356 - A.10071 [Weinstein]/S.1606B [Bonacic].**

This measure permits bar associations to offer counseling and assistance to judges who may have substance or mental health issues, in a similar manner as is presently provided for lawyers.

**3. Requiring training in the law of agency for real estate brokers and salespersons – Chapter 320 - A.9474[Weinstein]/S.7248[Bonacic].**

This law promotes competence in, and understanding of the law of agency by real estate brokers and salespersons by requiring them to complete instruction in the law of agency.

**The following bills passed the Assembly only.**

**1. Strengthening New York’s Anti-Slapp law - A.258 [Weinstein]/S.1638 [Espaillat].**

SLAPP (Strategic Lawsuits Against Public Participation) actions are designed to stifle the public’s right to free speech and petition about matters of public concern. This is accomplished by bogging people down in court with the time, expense, and energy of defending against frivolous lawsuits. This legislation strengthens existing law by ensuring that people who are faced with frivolous litigation filed by parties who object to a citizen’s participation in matters of public concern are able to recover attorneys’ fees incurred in defending themselves.

**2. Expedited Insurance Claim Proceedings – A.2946[Titone]/S.6946[Lanza].**

This bill would enable expedited court proceedings against property insurers by property owners for claims which result from a state disaster emergency, such as Superstorm Sandy.

**3. Allowing appellate review of certain orders or applications - A.7552 [Brennan].**

This bill resolves ambiguity by clarifying that the Appellate Division and the Appellate Term are expressly permitted to review certain applications which, by their nature, do not have any adverse party on which notice can be served.

**4. Streamlining the procedure surrounding service of subpoena and delivery of records – A.7057 [Titone]/S.5621 [Bonacic].**

The measure would allow a subpoena duces tecum to be made returnable to the attorney or self-represented party who originally served them. This bill avoids the burdensome requirement of having to examine subpoenaed records within the busy confines of the record room in the Courthouse.

**5. Providing innocent farmers an affirmative defense - A.298 [Abinanti]/S.3085 [Young].**

This legislation grants farmers an affirmative defense against patent infringement suits which assert that the farmer is using seed with patented traits. The affirmative defense would permit the farmer to defend such suits by showing that they did not knowingly introduce such patented seed onto their property.

**6. Providing state and federal consistency regarding the admissibility of an opposing party's statement – A.7320 [Weinstein]/S.7312[Bonacic].**

This legislation renders admissible the statement of a party's agent or employee, provided that the statement was on a matter within the scope of that employment or agency relationship, and made during the existence of the relationship. This measure follows the approach of Federal Rules of Evidence.

**7. Presumption of Authenticity – A.9541[Zebrowski]/S.7256[Bonacic].**

This bill creates a presumption of authenticity for documents obtained during discovery, which would have the effect of streamlining the introduction of such documents into evidence, and allowing certain trials to move along more quickly.

**The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.**

**1. Establishing a commission on prosecutorial misconduct – A.1131-B [Perry]/S.24-B [Defrancisco].**

This legislation establishes a Commission on Prosecutorial Misconduct, patterned on the State Commission on Judicial Conduct, and grants the Commission powers to take complaints from the public, investigate, and issue determinations regarding prosecutorial misconduct.

**2. Ensuring the Availability of Certain Benefits for Exonorees – A.9575A[Quart]/S.7054-A[Hoylman].**

This legislation will ensure that persons exonerated after a wrongful conviction will be entitled to the same re-entry services as other formerly incarcerated persons. This legislation will also ensure additional benefits for exonorees intended to ameliorate the collateral consequences of their wrongful conviction.

**D. PROTECTING CONSUMERS IN ARBITRATION**

**The following bills passed the Assembly only.**

**1. Allowing consumers a right to rescind contracts - A.9991[Simotas].**

This measure would give the Courts the ability to reform consumer and employment contracts in order to better meet the reasonable expectations of the parties to the contract.

**2. Requiring arbitrators to follow the law – A.9993[Weinstein].**

Existing law does not require arbitrators to follow the law when rendering arbitration decisions. This measure would allow a participant in an arbitration to have an arbitration award vacated in court if the arbitrator demonstrated a manifest disregard of the law.

**3. Allowing consumers a convenient place of trial - A.9995[Weinstein]/S.7954[Avella].**

Consumer contracts frequently require consumers to arbitrate or litigate disputes in a far flung venue. This bill gives consumers the ability to arbitrate or litigate in the county of their residence, notwithstanding any boilerplate contract language to the contrary.

**4. Requiring arbitrators to set forth a basis for their decisions – A.10090A[Titone]/S.8040[Lanza].**

Under current law, arbitrators typically are not obliged to explain why they reached a decision favoring one party or the other. This measure would require arbitrators to do so, thereby better informing parties about their rights to challenge the decision.

**The following bill was reported by the Assembly Judiciary Committee and was pending at the conclusion of session.**

**1. Comprehensive Arbitration Reform - A.8191A[Titone].**

This measure would, among other things, set requirements designed to ensure consumer and employment arbitrator impartiality and neutrality.

**E. WORKERS AND CONSUMER PROTECTIONS**

**1. Extending the statute of limitations for claims relating to superfund sites - Chapter 128 - A.9568A[McDonald]/S.6824A[Marchione].**

This law extends the time within which a victim may bring a legal action due to harm caused by exposure to substances found in an area designated as a Superfund site.

**The following bills passed the Assembly only.**

**1. Enhancing protections and disclosures required in consumer contracts - A.1152 [Dinowitz]/S.3135 [Martins].**

This legislation requires plain language to be used in certain consumer contracts involving transactions valued at \$250,000 or less, an increase from present law which specifies \$50,000.

**2. Extending the Statute of Limitations for Toxic Tort Claims – A.4441[Ramos].**

This measure extends the time within which a plaintiff may bring a legal action for the injury caused by a specific toxic substance.

**3. Agricultural tourism – A.10070A[Woerner]/S.7980A[Ortt].**

This measure provides clarity for agricultural tourism (“agritourism”) proprietors and professionals by establishing processes for recognition and dissemination of the inherent risks involved with participating in agritourism activities such as U-Pick Christmas trees, farm and winery tours, hiking, hunting, and other forms of outdoor recreation.

**The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.**

**1. Ensuring protections in improper debt collection cases - A.4619 [Simotas]/S.2444 [Gianaris].**

Currently, citizens are not permitted to sue debt collectors who violate state law during collection efforts. This legislation would allow private citizens to enforce their own rights, where the government either cannot or will not do so.

**2. Protecting workers from employers who illegally withhold wages - A.5501D [Rosenthal]/S.2232F [Peralta].**

The Securing Wages Earned Against Theft (SWEAT) Act ensures that assets of the employer will be available to compensate wage theft victims who obtain judgment against their employers, thereby increasing the likelihood of recovery. This bill passed the Assembly on May 24, 2016, and was later recalled by the Sponsor for amendment.

**F. PROTECTING ELDERLY AND DISABLED**

**1. Updating disability reference terms in family law – Chapter 37-A.9518[Simon]/S.6858[Avella].**

This measure discontinues the use of demeaning terms that cause confusion in family court proceedings. It substitutes the term “intellectual disability” for the term “mental retardation” in the domestic relations law, the family court act, the executive law and the social services law.

**2. Updating disability reference terms in guardianship law – Chapter 198 - A.2125A[Abinanti]/S.7132A[Ortt].**

This measure discontinues the use of demeaning terms that cause confusion in Surrogate’s Court. It replaces all references to “mentally retarded” in the guardianship law with “a person who is intellectually disabled”.

**3. Protecting against the isolation and abuse of disabled individuals – Chapter 98 A.3461C[Magnarelli]/S.5154C[DeFrancisco].**

This legislation requires the Order appointing a guardian to identify people entitled to receive notice of the ward's death and authorizes the court to identify persons entitled to receive notice of the transfer to a medical facility and to identify persons entitled to visit the incapacitated person.

**The following bill passed the Assembly only.**

**1. Protecting incapacitated persons from unjust collection practices – A.6510A [Weinstein]/S.4642A [Golden].**

This measure would prevent the misuse of guardianship proceedings for the primary purpose of collecting bills and would thereby put an end to a disturbing practice by some nursing homes.

**G. TRUSTS AND ESTATES AND GUARDIANSHIPS**

**1. Managing digital assets while honoring and protecting an individual's privacy and choices – Chapter 354 – A.9910A[Weinstein]/S.7604A[Bonacic].**

The widespread use of digital assets (such as electronic documents, photographs, emails, and social media accounts) has created an urgent need for legislation to address the administration of these assets upon the death or incapacity of the user. This law allows users to specify the disposition of digital assets and provides legal authority for fiduciaries to manage these assets in accord with the user's estate plan, while also protecting a user's private communications from unwarranted disclosure.

**2. Protects non-citizen spouses from meaningless effort and expense – Chapter 80 – A.10121[Quart]/S.7788[Bonacic].**

This law extends for an additional three years Chapter 538 of the Laws of 2013 to simplify the procedure for obtaining a marital deduction for a disposition to a surviving spouse who is not a United States citizen.

**3. Bringing parity and transparency to revocable trusts – Chapter 262 - A.10357[Simotas]/S.7807[Bonacic]**

In the interests of resolving estate planning disputes, this law provides that with respect to revocable trusts, which are often used in place of a will, the attorney-client privilege does not apply to shield information from disclosure, in the same way in which the privilege does not apply to wills.

**4. Service of Process upon limited liability corporations and partnerships – Chapter 47 A.9572[Braunstein]/S.7254[Bonacic].**

This bill makes a technical correction by adding the personal service provisions of CPLR 310-a, and CPLR 311-a to the Surrogate's Court Procedure Act section 307(5). By doing so, this

technical correction is consistent with the purpose of the statute to provide clear, definitive direction for service of process on all categories of persons in a Surrogate's Court proceeding.

**The following bills passed the Assembly only.**

**1. Enhancing the privilege and protections between a personal representative and the attorney to lifetime trustees - A.7868 [Weinstein].**

This measure includes lifetime trustees in the definition of fiduciaries to whom the attorney-client privilege applies.

**2. Exempting certain guardianship motions filed under article 81 of the Mental Hygiene Law from the filing fee required to be paid to the county clerk – A.3221 [Titus].**

This legislation exempts principals involved in guardianship cases from the \$45.00 filing fee for civil motions, thus encouraging representation in these matters by assigned counsel and fiduciaries to best meet the needs of the incapacitated individual.

**3. Clarifying rules governing the commissions of donees of powers in trust – A.9879[Buchwald].**

This bill would amend the Surrogate's Court Procedure Act to create and clarify rules governing the commissions of donees of powers in trust, including donees of powers during minority. It would conform such commissions to the existing rules governing commissions of trustees.

**The following bill was reported by the Assembly Judiciary Committee and was pending at the conclusion of session.**

**1. Protecting the estates of divorced individuals from wrongful distribution – A.7638 [Seawright]/S.5684 [Bonacic].**

This legislation requires a beneficiary of an estate who is related to the decedent's previous spouse to prove that such distribution was intended by the decedent.

## H. CONSTITUTIONAL AMENDMENTS REPORTED BY THE COMMITTEE

### 1. Providing for the forfeiture or reduction of pension benefits by public officials who breach the public trust – A.10739A[Buchwald]/S.8163[Croci].

This proposed constitutional amendment which received first passage this year, allows for certain state and local public officers convicted of a felony involving breach of public trust to be subject to the forfeiture of pension benefits. Upon passage by both houses of the next elected legislature, the measure would be presented on the ballot for voter consideration.

#### The following constitutional amendments passed the Assembly only

### 1. Allowing persons who will be 18 years old at the time of a presidential election to vote in primary election if 17 years of age at the time - A.504 [Cusick]/S.3242 [Savino].

This proposed constitutional amendment would allow persons who will be 18 years old at the time of a presidential election to vote in primary election if they are 17 years old at the time. Our laws currently allow such 17 year olds to be eligible to enlist in the armed forces and fight in a war but not have the ability to vote. To date, Indiana, Kentucky, Maine, Maryland, Mississippi, Nebraska, North Carolina, Ohio and Virginia already allow this practice.

### 2. Authorizing ballot by mail - A.3874B[Brennan]/S.4456A[Comrie].

This proposed constitutional amendment would allow any voter who wishes to vote by mail to request such a ballot without the necessity of declaring any reason for doing so. Under current law, the New York State Constitution only allows absentee voting if a person expects to be absent from the county in which they live, or absent from the City of New York or, because they are unable to vote in person due to illness or physical disability.

## III. PUBLIC FORUM AND ROUNDTABLE

### Arbitration Hearing

In February 2016, the Judiciary Committee co-sponsored a hearing along with the Assembly's Consumer Affairs and Protection Committee on the subject of mandatory arbitration of consumer disputes. The testimony confirmed that consumers are being forced to arbitrate disputes, instead of using our courts, with the sellers of consumer goods and services due to boilerplate language in consumer contracts. This has resulted in injustices to consumers and employees. In response, the Committee worked on, and the Assembly passed some measures designed to protect consumers and employees from manifestly unjust arbitration requirements.



### **Roundtable on Diversity in the Legal Profession**

In January 2016, the Assembly Standing Committee on Judiciary and the Assembly Subcommittee on Diversity in Law, chaired by Assemblywoman Latoya Joyner, jointly held a roundtable in New York City on the issue of “Diversity in the Legal Profession.” The event was attended by prominent leaders in the judiciary, the private sector, nonprofit entities, as well as members of the Assembly. Diversity in the legal profession is necessary to best serve the people of New York State. However, reports highlight that the legal profession continues to lack minority representation. Participants discussed the current state of the legal profession and strategies for promoting increased diversity.

### **Public Forum on Commission on Prosecutorial Conduct**

In June 2016, the Assembly and the Senate held a Joint Public Forum on a bill to create a new prosecutorial conduct commission to investigate misconduct by district attorneys and their offices. (**A.1131B - Perry**). Testimony was offered by: Barry Scheck from the Innocence Project, Bennett Gershman of Pace Law School, Bill Bastuk from It Could Happen to You, Steven W. Downs formerly of the Commission on Judicial Conduct, members of the District Attorney Association, and several exonerated victims of wrongful prosecution.

## **IV. NEW YORK STATE'S JUDICIARY FUNDING**

The 2016-2017 State budget adopted without change the Judiciary's budget request for appropriations in the amount of \$2.9 billion, an increase, in terms of the General Fund Operating Budget, of \$44.4 million, or 2.4 percent over last year. The court's budget absorbs statutorily-mandated salary increments for represented non-judicial employees, statutorily-mandated increases for indigent legal defense, supplemental funds for IOLA, a much-needed increase in funding for civil legal services to address the crisis in legal services funding, and the annualization of the the five Family Court judgeships created by the Legislature effective January 1, 2016. With this year's Judiciary budget, the Office of Court Administration will maintain current staffing levels, filling just a limited number of positions critical to operations, and plans to keep courtrooms open to the public until 5 p.m. each day.

## **V. FUNDING FOR LEGAL SERVICES**

In 2016, the Assembly built on its support for civil legal services in New York State by supporting an increased appropriation for civil legal services through the Judiciary budget by \$15 million for a total of \$100 million to help bridge the tremendous gap between civil legal service needs of low-income New Yorkers and the availability of services to meet these needs. As part of the SFY 2016-17 budget, the Assembly also restored its traditional funding for civil legal services in the amount of \$2.83 million and \$609,000 for domestic violence programs. Further, the SFY 2016-17 enacted budget appropriated \$99.4 million for the New York State Office of Indigent Legal Services, representing an increase of \$12.4 million from the prior year to continue to implement the *Hurrell-Harring* settlement agreement. In addition, before the end of session this year, both houses passed a measure that would require the state to gradually take over full funding of indigent legal services programs by 2023. (**A.10706 – Fahy**).

# 2016 SUMMARY SHEET

## SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON

### Judiciary

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	28	0	28
TO WAYS AND MEANS	8	0	8
TO CODES	38	0	38
TO RULES	9	0	9
TO JUDICIARY	0	0	0
TOTAL	83	0	83
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	0	0	0
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		3	3
RECALLED		0	0
TOTAL		3	3
<b>BILLS DEFEATED IN COMMITTEE</b>			
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	49	0	49
BILLS NEVER REPORTED, HELD IN COMMITTEE	276	34	310
BILLS HAVING ENACTING CLAUSES STRICKEN	9	0	9
MOTIONS TO DISCHARGE LOST	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	<b>417</b>	<b>37</b>	<b>454</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	10		