

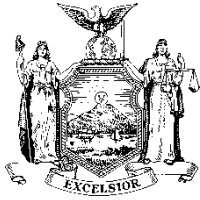
New York State Assembly

# Annual 2024 Report

Committee on  
Judiciary



Speaker Carl E. Heastie  
Charles Lavine, Chair



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

Charles Lavine  
Assemblyman 13<sup>th</sup> District

DISTRICT OFFICE  
School Street  
Glen Cove, New York 11542  
(516) 676-0050

ALBANY OFFICE  
Room 813  
Legislative Office Building  
Albany, New York 12248  
(518) 455-5456

CHAIRMAN  
Judiciary Committee

COMMITTEES  
Codes  
Ethics  
Insurance  
Rules

December 15, 2024

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

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 2024 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 2024, including passing protections for the families of survivors of domestic violence, enhancing protections for tenants and prospective homebuyers from predatory landlords and lenders, and improving access to the courts for citizens to seek justice.

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 as well as 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,

A handwritten signature in black ink, appearing to read "Charles D. Lavine".

Charles Lavine, Chairperson  
Assembly Standing Committee on Judiciary

**2024 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON JUDICIARY**

**Charles D. Lavine, Chair**

**MEMBERS OF THE STANDING COMMITTEE**

**Majority**

Charles D. Lavine  
Kenneth P. Zebrowski  
David I. Weprin  
Edward C. Braunstein  
Phillip Steck  
Rebecca Seawright  
Monica P. Wallace  
Latrice M. Walker  
Catalina Cruz  
Karen M. McMahon  
Marcela Mitaynes  
Jenifer Rajkumar  
Jo Anne Simon  
Nader Sayegh  
Jennifer Lunsford

**Minority**

Michael Tannousis  
Michael J. Norris  
Mary Beth Walsh  
Marjorie L. Byrnes  
Keith P. Brown  
Edward A. Flood

**Staff**

Jennifer Ashley, Assistant Secretary for Program and Policy  
Tyler Cooper, Associate Counsel  
Gregory Branca, Analyst  
Joann Butler, Executive Secretary

## TABLE OF CONTENTS

<b>I.</b>	<b>Committee Jurisdiction.....</b>	<b>4</b>
<b>II.</b>	<b>Summary of Legislative Accomplishments.....</b>	<b>5</b>
	A. Protecting Domestic Violence Victims, Children, and Families.....	5
	B. Protecting Tenants, Homeowners, and Property Owners.....	6
	C. Administration of Justice.....	7
	D. Trusts, Estates, and Guardianships.....	9
	E. Indian Law.....	9
	F. Consumer and Worker Protection.....	9
	G. Constitutional Amendments Reported by the Committee.....	9
<b>III.</b>	<b>New York State Judiciary Funding.....</b>	<b>10</b>
<b>IV.</b>	<b>Funding for Legal Services.....</b>	<b>10</b>
<b>V.</b>	<b>2024 Committee Workload Summary.....</b>	<b>11</b>

## **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 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 2024.

## **II. SUMMARY OF LEGISLATIVE ACCOMPLISHMENTS<sup>1</sup>**

### **A. PROTECTING SURVIVORS OF DOMESTIC VIOLENCE, CHILDREN, AND FAMILIES**

#### **Clarifying amendments to the Hope Card Act.**

##### **A.8604 (Clark) / S.8063 (Cleare) - Chapter 48**

This legislation amended chapter 538 of the laws of 2023 to clarify that a Hope Card can be either a physical card or a digital image of the final order of protection, delivered electronically. It ensures that Hope Cards are available at no cost to any party protected by the final order of protection and grants them the same legal effect as a copy of the physical order of protection. It outlines the informational requirements for the physical, wallet-sized Hope Card and allows protected parties to receive a Hope Card in digital form. The amendment also includes a technical change to renumber a paragraph, adjusts the effective date from 180 days to 1 year, and provides for the chapter amendment's effective date.

#### **Clarifying definitions relating to “gender-affirming care” under the Family Court Act.**

##### **A.8627 (Bronson) / S.8058 (Hoylman-Sigal) - Chapter 101**

This legislation amended chapter 143 of the laws of 2023 to clarify definitions relating to “gender-affirming care” under the Family Court Act. It prohibits New York courts from considering or giving effect to out-of-state findings of parental neglect or maltreatment based on a parent allowing their child to receive “gender-affirming care.” The amendment defines “gender-affirming care” to align with the definition in paragraph (c) of subdivision 1 §6531-b of the Education law and makes corresponding changes to this definition in the Executive law, Civil Practice Law and Rules, Criminal Procedure law, Public Health law, Education law, and Insurance law.

#### **Updating the New York state child support guidelines to conform to the federally mandated changes.**

##### **A.9505 (McMahon) / S.9015 (Persaud) - Chapter 357**

This legislation allows judges to consider the specific circumstances of individual parents, including economic, educational, and geographical factors, when determining child support. It also requires the court to provide written findings that clearly identify the basis for the determination.

#### **Clarifying amendments regarding Surrogacy agreements in New York state.**

##### **A.4921-C (Paulin) / S.5107-C (Hoylman-Sigal) - Passed both Houses**

This bill would make clarifying amendments to existing law relating to surrogacy arrangements in New York, including defining “intended parent” and outlining the procedures for determining parentage. It specifies that state supreme court, family court, or surrogates court are appropriate forums for enforcing surrogacy agreements, and requires intended parents to cover surrogate expenses, including health and life insurance during the pregnancy and for 12 months afterward. Additionally, it establishes compensation guidelines, retroactivity for certain agreements, and makes technical changes related to surrogacy programs and their fees.

---

<sup>1</sup> All references to chapter laws, except where otherwise noted, are chapters of the laws of 2024.

### **Melanie's Law.**

#### **A.6026 (Cunningham) / S.6288 (Hinchey) – Chapter 541**

This legislation expands the class of people eligible for an order of protection under the Family Court Act and Criminal Procedure Law by broadening the definition of "members of the same family or household." It includes individuals related by blood or affinity to someone who has an order of protection against a current or former intimate partner. The bill also makes conforming changes to the Family Court Act and Criminal Procedure Law.

## **B. PROTECTING TENANTS, HOMEOWNERS AND PROPERTY OWNERS**

### **Technical amendments to summary proceedings.**

#### **A.8603 (Magnarelli) / S.8014 (May) - Chapter 64**

This legislation makes technical edits to chapter 544 of the laws of 2023 concerning summary proceedings to recover possession of real property in the city of Syracuse. Specifically, it renumbers subdivision 7 of §741 of the Real Property Actions and Proceedings law to subdivision 8. This amendment will take effect 90 days after it becomes law.

### **Require commercial landlords to mitigate damages when commercial tenants break their lease and vacate the premises prior to the expiration of the lease.**

#### **A.2729 (Otis) / S.2134 (Liu) – Passed Assembly**

This bill would require commercial landlords to make reasonable efforts to re-let commercial premises when vacated by a commercial tenant.

### **Requires self-storage facility occupants to designate an emergency contact.**

#### **A.9929 (Rosenthal) / S.8590 (Scarcella-Spanton) – Ordered to Third Reading**

This bill would define "Emergency Contact" and require the designation of one before the start of an occupancy agreement. It would mandate that all new occupancy agreements include a clear notice reminding occupants to keep their own and their emergency contact's information up to date. Additionally, for a notice of a lien action to be effective, it would require personal service and service by mail to be made on both the occupant and the emergency contact.

### **E-filing in any or all of New York's trial courts.**

#### **A.10350 (Shimsky) / S.7524 (Hoylman-Sigal) – Chapter 579**

This legislation allows the Office of Court Administration to establish electronic and facsimile filing across various courts, requiring broad consultation and annual reporting. It outlines conditions for both voluntary and mandatory electronic filing, ensuring that unrepresented parties can file voluntarily and that necessary consultations occur. The bill extends electronic filing authority to all criminal courts and the Family Court, updating laws to align with the new electronic filing rules and removing outdated provisions, while prescribing specific rules and exemptions for Family Court.

### **Retitle the "motion to proceed as a poor person" as "motion to waive costs, fees and expenses."**

#### **A.10351 (Cook) / S.9452 (Salazar) – Chapter 589**

This legislation retitles this motion in both the Civil Practice Law and Rules and the Criminal Procedure law.

**Update court practices relating to venue in matrimonial actions.**

**A.10353 (Dinowitz) / S.9733 (Hoylman-Sigal) – Passed both Houses**

This bill would create a new CPLR Rule 515, requiring that trial venues in matrimonial actions be located in a county where either party or their minor children reside, with exceptions for confidentiality or good cause. The bill would also establish an exception allowing Rule 515 to override the plaintiff's choice of trial venue, which currently can only be changed by court order or mutual consent.

**C. ADMINISTRATION OF JUSTICE**

**Extension of certain powers of New York City Marshals for two years**

**A.9166-B (Lavine) / S.9377-A (Hoylman-Sigal) - Chapter 129**

This law extends for two years (until June 30, 2026), the functions, powers, and duties of New York City marshals so that they have the same powers, functions, and duties as sheriffs with respect to the execution of money judgments issued by the Supreme and Family Court courts within New York City.

**Authorizes the towns of Harmony and North Harmony in Chautauqua County to dissolve their individual town courts and form a single unified town court.**

**A.5941 (Goodell) / S.4249 (Borrello) - Chapter 203**

This legislation allows the towns of Harmony and North Harmony to consolidate their individual town courts into a single unified town court.

**Elimination of the requirement for parties to obtain a certificate of conformity for documents notarized by an out-of-state notary public.**

**A.3225 (Vanel) / S.2271 (Liu) – Chapter 502**

This legislation eliminates the requirement for parties to obtain a certificate of conformity from a New York notary, certifying that the notarized document conforms to New York law, in the event that documents are notarized by an out-of-state notary.

**Allow towns or villages to decide whether individuals serving as town or village justices must be admitted to practice law in the state.**

**A.4363 (Zebrowski) / S.2554 (Hoylman-Sigal) – Passed Assembly**

This bill would require that any changes in these eligibility requirements take effect at the start of the next judicial term following the election after the local law is enacted.

**Standardizes certain court acts to allow tenants statewide the ability to mail notice to the address to which they send their rent in small claims proceedings.**

**A.6997 (Simone) / S.6676 (Hoylman-Sigal) – Reported to Rules Committee**

This bill would allow tenants statewide to deliver notice of a claim regarding a property, as is the current practice in New York City and Long Island. It would require the Office of Court Administration to develop the necessary materials for implementation and specifies that this

mailing of notice would apply only when the landlord's home or business address is unavailable, thereby aligning the process across the state.

**Unified Court judges in Saratoga and Washington Counties.**

**A.7019-B (Woerner) / S.7020-B (Stec) – Reported to Ways and Means**

This bill would increase the number of judges in Saratoga County from one judge to two judges, and in Washington County from two judges to three judges.

**Unified Court judges in Schenectady County.**

**A.7060-A (Santabarbara) / S. 6996-A (Breslin) – Reported to Ways and Means**

This bill would increase the number of judges in Schenectady County from one judge to two judges.

**Exempts non-electronic notarial acts from the record keeping and reporting requirements for public notaries.**

**A.7241-A (Lavine) / S.8663 (Hoylman-Sigal) – Veto Memo 36**

This bill would eliminate the requirement that notaries create and retain records of non-electronic notarial acts for a period of 10 years unless otherwise required by statute.

**Replace outdated language relating to service of process.**

**A.8081-B (Bores) / S.7801-A (Liu) – Chapter 473**

This legislation replaces the current requirement of process servers to provide a description of the person who received process from “sex, color of skin” to “the person’s perceived: gender, race”.

**Amend procedures surrounding the use of alternate jurors in trials.**

**A.8323 (Rajkumar) / S.9856 (Hoylman-Sigal) – Reported to Rules Committee**

This bill would require that when an alternate juror is substituted during a deliberation, the jury must re-deliberate all issues. Therefore, if the jury had reached any conclusions on individual counts before the substitution, those issues would be re-deliberated with the alternate juror.

**Allow claimants to apply to the court for permission to correct good faith mistakes, omissions, irregularities, or defects in the notice of intention or claim at any time after timely service of notice.**

**A.8324 (Rajkumar) / S.9857 (Hoylman-Sigal) – Veto Memo 40**

This bill would grant the court discretion to either grant an application to correct or dismiss a notice of intention or notice of claim. If permission is granted, the notice will be deemed correct, provided that the application includes a copy of the proposed corrected notice.

**Allows attorneys to practice law in New York regardless of whether they live or have an office in the state.**

**A.8879 (Weprin) / S.9281 (Hoylman-Sigal) – Reported to Rules Committee**

This bill would repeal provisions of the Judiciary Law which require attorneys to maintain a physical office within the state to practice law.

**Clarifies that affirmations made under penalty of perjury are admissible in administrative proceedings.**

**A.9478-A (McMahon) / S.9032-A (Ryan) – Passed both Houses**

This bill would clarify Chapter 559 of the laws of 2023, which intended to allow affirmations for simple proceedings, where access to the services of a notary would be burdensome, to stand as evidence.

#### **D. TRUST, ESTATES, AND GUARDIANSHIPS**

**Expand the class of “close family members” who may recover for a wrongful death, and the type of damages which they may recover.**

**A.9232-B (Weinstein) / S.8485-B (Hoylman-Sigal) – Passed both Houses**

This bill would extend the time period for filing a wrongful death action from 2 years to 3 years. It would expand the types of damages that may be awarded to include funeral expenses, medical costs, grief, loss of services, and other forms of support, as well as potential inheritance losses. The bill also would define "close family members" eligible for recovery, as outlined in Estates, Powers and Trusts law, and includes individuals standing in loco parentis, subject to the determination of the fact finder.

#### **E. INDIAN LAW**

**Grants to State recognition of the Montaukett Indians.**

**A.9124 (Thiele) / S.8550 (Palumbo)**

This bill would include the Montaukett Indians within the term of “Indian nation or tribe” in New York. It would also provide that the Montaukett Indians would have a chief or sachem, three tribal trustees, and a tribal secretary, establish elections and terms of personnel, and address the qualifications of voters and to hold office.

#### **F. CONSUMER AND WORKER PROTECTION**

**A revision of arbitration rules.**

**A.6889-A (Lavine) / S.8201-A (Hoylman-Sigal) – Passed Assembly**

This bill would allow arbitration proceedings to take place in any court and county where any of the parties seeking arbitration resides, does business, or where the arbitration is held or pending. It also would address fees, expenses, and breaches in employment or consumer arbitration agreements, outlining provisions for payment, consequences for non-payment, sanctions for breaches, and procedures for continuing or withdrawing from arbitration.

#### **G. CONSTITUTIONAL AMENDMENTS REPORTED BY THE COMMITTEE**

**A concurrent resolution to rescind, repeal, cancel, nullify, and supersede any and all prior applications by the New York State Legislature to the United States Congress to call a Constitutional Convention pursuant to Article V of the United States Constitution.**

**K.797 (Zebrowski) / B.1460 (Krueger) – Passed both Houses**

This concurrent resolution would cancel all prior applications by the New York State Legislature to the United States Congress to call a Constitutional Convention pursuant to Article V of the

United States Constitution. As there is no consensus as to whether such applications expire, this would prevent wealthy interest groups from exploiting outdated applications.

**Remove the constitutional cap on supreme court judges.**

**A.5366 (Bores) / S.5414 (Hoylman-Sigal) – Passed both Houses**

This concurrent resolution would remove the current cap on supreme court judges and allow the state legislature to appoint additional judges as needed, statewide, irrespective of the population of a given judicial district.

### **III. NEW YORK STATE JUDICIARY FUNDING**

The SFY 2024-2025 Enacted budget adopted the Judiciary's All Funds budget request of \$3.7 billion. This is an increase of \$339 million or 9.7 percent from the SFY 2023-24. The Judiciary recommends support for 15,700 full-time-equivalent (FTE) positions, an increase of 600 FTE positions from the SFY 2023-24 level. The SFY 2024-25 budget increased disbursements by \$335.6 million, reflecting increases in personal service expenses related to new judgeships, judicial and non-judicial salary increases, and non-judicial staffing increases. The Judiciary's State Operations Budget increased \$150.4 million to increase personnel to pre-pandemic levels, which includes, filling 130 currently vacant non-judicial positions, funding 470 new non-judicial positions, and funding 48 new judgeships.

### **IV. FUNDING FOR LEGAL SERVICES**

The proposed budget includes appropriations totaling \$122.4 million to support civil legal services to provide a three percent Cost of Living Increase (COLA) for all civil legal services providers.

The Judiciary's budget includes \$50 million in capital appropriations, which reflects an increase of \$22 million from the prior year, for the continued improvements to court technology infrastructure, modernization of the judiciary's secure high-speed network, security equipment, records management, and facility renovation.

**2024 SUMMARY SHEET**

**BILLS REPORTED FAVORABLE TO:**

Codes			
Judiciary			
Ways and Means			
Rules			
Floor			
TOTAL			

**COMMITTEE ACTION**

Held For Consideration			
Defeated			
Enacting Clause Stricken			
<b>REMAINING IN COMMITTEE</b>			

**BILLS REFERENCE CHANGED TO:**

**Codes:**

**Ways and Means:**

TOTAL			
-------	--	--	--