

2017 Legislative Agenda

- 1) *Amendment of ABC Law 65-c* - Recommend to the Legislature to allow the Court to suspend the driving privileges of a defendant in those instances where a defendant fails to appear and/or fails to comply with a sentence imposed by the court in connection with the charge of unlawful consumption and/or sale of an alcoholic beverage; and/or authorize courts to render default judgments in cases of failure to answer for unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years.
- 2) *Full Retirement Benefits for Town and Village Justices* - Town and Village Justices have given years of dedicated service to their communities and New York State. Considering the nominal pay these local Justices receive, and the fact that they are on call and available 24/7/365, the Committee believes that full retirement benefits would be an appropriate recognition of their service which would not have a significantly negative impact on the state retirement system.
- 3) *Court System Funding* - NYSMA has advocated that the State provide adequate funds to continue implementation of the Action Plan including JCAP for the State's town and village justice courts. Because of the 2011-2012 funding crisis, there is serious concern over the ability of these courts to perform their constitutional function and provide access to justice. To provide true access, the courts must have well trained personnel and maintain all necessary facilities. As part of this, the State should bring the JCAP amount back up to \$10,000,000.00 per year.
- 4) *Proposed an amendment to CPL 460.10* - The Court of Appeals has ruled that an appeal is improperly taken where the proceeding had not been recorded by a stenographer. CPL 460.10 should be amended to read "or by mechanical or electronic means" to allow transcriptions of our digital audio recordings to be given equivalence to a stenographic transcript.
- 5) *Open file discovery in disciplinary hearings* - Mandate that, in disciplinary actions before the Commission on Judicial Conduct, judges are entitled to the same level of open file discovery that many District Attorney's offices offer to defendants and that attorney disciplinary bodies now offer.
- 6) *Small Claims and Other Court Fees* - The present fees for small claims actions brought in Justice Courts are \$10.00 for claims under \$1,000.00, and \$15.00 for claims between \$1,000.00 and \$3,000.00. It is therefore suggested that the fees be increased to \$20 and \$40, respectively. Raise the fee to a Town or Village Justice to perform a wedding to \$150.00.
- 7) *Associate Village Justice. Amend the Term of Appointment* - Amend the term for which an associate village justice is appointed from one year to a maximum of four years. *Second associate village justice* - Support legislation which permits the appointment of a second associate village justice directly by the Mayor and Board of Trustees instead of the current requirement of New York State Legislative approval on each separate occasion.
- 8) *Suspension for parking offenses* - Amend the registration suspensions procedures to allow a municipality the discretion to suspend registrations for parking violations.
- 9) Amend the Vehicle and Traffic Law to allow for a plea of guilty and the payment of fines electronically *via* the Internet.
- 10) Raise the statutory reimbursement rate for translation services (foreign language and sign language for the deaf) from \$25.00 per day to \$250.00 per day.