

APPROVAL # 116

CHAPTER 697

3d Rdg. 1138 Print. 4066, 4674 Intro. 3716

IN SENATE

February 27, 1962

Introduced by Mr. ALBERT—read twice and ordered printed, and when printed to be committed to the Committee on Codes—reported favorably from said committee to third reading, amended and ordered reprinted retaining its place in the order of third reading

AN ACT

In relation to establishing the criminal court of the city of New York and abolishing the court of special sessions of the city of New York and the city magistrates' courts of the city of New York

Notes _____

Compared by *Linda J. ...*

APPROVED

Approved _____ NEW YORK STATE MARR 24 1962
MICROFILMED

Date 6-13-77
No. of printed bills
No. of exposures
exclusive of bills 13

J. L. C. on Court Reorganization

S-3716

Memo filed with

S-3493



THE CORRECTIONAL ASSOCIATION OF NEW YORK

 10 EAST 10th STREET
 NEW YORK, N. Y.
 TELEPHONE ALBANY 4-0278

(Formerly The Prison Association of New York)

Founded 1844 Incorporated 1846

April 6, 1962

S 3716

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 Hon. Robert MacCrate
 Executive Chamber
 State Capitol
 Albany 1, New York

 Re: Senate Intro. 3716, Print 4674
 By Mr. Albert
 APPROVED

Dear Mr. MacCrate:

This is another basic bill relating to the Constitutional Amendment voted by the people intended to make for a reorganization of the court system in this State, with particular reference to New York City, and to improve the administration of criminal justice.

For the past several years we, with others, were active in urging the Constitutional Amendment before the Legislatures and while the proposed amendment was before the people for final consideration.

The many reasons for the need of reorganization of the criminal courts have been frequently stated and there is no need for repetition at this time, for it is certain that all of this material is available to you and the Governor. The fact that the above bill has finally been approved as a result of the study and examination by many groups is good reason for approval by the Governor at this time. There may be some need for changes in the future but the much needed reorganization can, with the Governor's approval, become operative and, as reasonably expected, its many merits will be increasingly evident.

We urge the Governor to approve the bill.

Sincerely yours,

General Secretary

ERC:fh



S-3716

LEAGUE OF WOMEN VOTERS
OF NEW YORK STATE

131 EAST 23rd STREET • NEW YORK 10, N. Y. • OR 7-5050

Mrs. John Fitchen, President

LEGISLATIVE MEMORANDUM

S.I. 3716; P. 4674
S.I. 3724; P. 4602

Criminal Court of the City of New York

S.I. 3716, P. 4674

This bill establishes the Criminal Court for the City of New York. Our comments with respect to the administration of the Civil Court and the rule making authority of the Appellate Divisions are equally applicable here.

S.I. 3724; P. 4602

This bill amends and corrects existing laws only insofar as the establishment of the Criminal Court in New York City is concerned. Correction necessitated by the creation and abolition of other courts under the new Article 6 of the Constitution is not made in this bill. This seems a confusing way to handle these corrections and we are unable to make any judgment as to accuracy of this conforming legislation.

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30-DAY BILL

SENATE

Introduced by:

ASSEMBLY

Pr: 4674

Mr. Albert

Pr:

Int: 3716

Int:

Law: New York City Criminal Court Act Sections: Various (all new)
(new)

Subject and Purpose: In relation to establishing the criminal court of the city of New York and abolishing the court of special sessions of the city of New York and the city magistrates' courts of the city of New York

Division of the Budget recommendation on the above bill:

Approve: X Veto: _____ No Objection: _____ No Recommendation: _____1. Purpose of bill: See above.2. Summary of provisions of bill: This bill:

- (1) Establishes the New York City Criminal Court Act effective September 1, 1962
- (2) Continues the justices of the court of special sessions and the magistrates of the city magistrates' courts who were in office on March 1, 1962 to be continued as criminal court judges on September 1, 1962.
- (3) Provides that all personnel costs and other expenses will be a New York City charge.
- (4) Provides that the appellate divisions of the Supreme Court in the first and second judicial departments, separately or jointly, shall supervise the administration and operation of this court.
- (5) Provides ten year terms for the judges
- (6) Provides an annual salary of \$21,500 for each judge.

3. Prior legislative history: None.4. Arguments in support of bill: Section 15 of Article VI of the State Constitution provides for the establishment of a single court of city-wide criminal jurisdiction. This bill, therefore, implements Article VI of the Constitution which was approved by the people in November 1961.5. through 7.: No comment.8. Budgetary implications: Although this bill, as such, has no budgetary implications concerning salaries of the criminal court judges, a bill (Senate Intro. 3948, Print 4750) passed by the Legislature provides State aid in the amount

Date: _____ Examiner: _____

Disposition:

Chapter No:

Veto Date:

of \$10,000 for each criminal court judge in New York City providing they accept the provisions of the bill. On September 1, 1962, 24 justices of the Court of Special Sessions and 54 magistrates of the City magistrates' court will become criminal court judges. At \$10,000 per judge for 3 months (the State aid bill becomes effective on January 1, 1963), the total cost to the State for 1962-63 will be \$195,000 and \$780,000 thereafter.

Alton J. Marshall
Louis R. Tenenini

Date: April 13, 1962 Examiner: *Louis R. Tenenini* *LR*

Disposition: Chapter No.: *f* Veto Date:

8



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OF THE
STATE OF NEW YORK

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BARCLAY 7-1616

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STATE ADMINISTRATOR

April 10, 1962

Hon. Robert MacCrate
Counsel to the Governor
The State Capitol
Albany, New York

Re: Senate Int. 3716, Print 4674
(by Mr. Albert)

Dear Mr. MacCrate:

This will acknowledge your request for comments and recommendation upon the above-mentioned bill, which is one of a package of bills recommended by the Joint Legislative Committee on Court Reorganization. This particular bill establishes the new city-wide court of criminal jurisdiction in the City of New York.

The bills recommended by the Joint Legislative Committee are designed to implement the provisions of the new Judiciary Article which becomes effective on September 1, 1962.

The Judicial Conference has not officially passed upon the detailed provisions contained in these bills. Indeed, to do so would require a period of study at least as lengthy as that required to draft the proposals.

The matter of approving implementing legislation under which the court structure can function in September is an overriding necessity. At this juncture it would be unwise for any reason to postpone approval of this package of bills. Judges, administrators, clerks and lawyers alike must be able to plan the processing of cases under the new court system and must have available to them the detailed provisions under which they will function.

I would recommend that this bill, together with the other bills proposed by the Joint Legislative Committee on Court Reorganization be approved.

Sincerely yours,

State Administrator

TFM:ah

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
42 WEST 44TH STREET
NEW YORK 36

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S 3716

April 13, 1962

Robert MacCrate, Esq.
Counsel to the Governor
Executive Chamber
Albany, New York

S. Int. 3716, Pr. 4066, 4674 -- approved; comment

Dear Mr. MacCrate:

This bill proposes to establish a criminal court of the city of New York and abolish the court of special sessions of the city of New York and the magistrates' courts of the city of New York.

The proposed bill conforms substantially to the proposed statutory amendments set forth in Volume 5 of the report of the Joint Legislative Committee on Court Reorganization. With regard to the amendments proposed in Volume 5, the Committee on Court Reorganization of the Association of the Bar made a number of suggestions. Most of these suggestions have been incorporated into the proposed bill.

Nevertheless, there are certain amendments to the proposed bill which the Committee on the Reorganization of the Courts of the Association of the Bar would make. The references below are to page and line numbers in Senate Intro. 3716, Print. 4066, 4674.

1. Page 2 - line 24. It should be noted that section 20 of the proposed bill contains the language suggested by the Committee.

April 13, 1962

2. Page 3 - line 13. Section 21 of the proposed bill is an improvement over section 21 as originally proposed, but it does not go so far as suggested by the Committee. The Committee's suggestion was that joint supervision and a single administrative judge be mandatory, rather than permissive, as provided in the proposed bill.

3. Page 5 - line 5. Section 3 of the proposed bill provides for a salary of \$21,500.00. The Committee recommends that this be increased to \$25,000.00.

4. Page 5. In the bill as originally proposed and in a previous print., 4066, of the proposed bill, there was a section, subdivision 4, providing for the appointment of additional judges when the need arose. This section is not contained in the proposed bill.

5. Page 5 - line 20. There would appear to be no need for the words "and deputy chief" ("clerks" should be changed to "clerk"). There is no reference in section 23 of the proposed bill to deputy chief clerks, although it is set forth in the title.

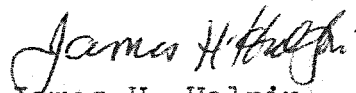
6. Page 13 - line 17. The Committee originally suggested, and adheres to the recommendation, that there should be a provision for an extension of 48 hours where, for good cause shown, the district attorney cannot file within a day.

7. Page 17 - line 4. The Committee suggested, and adheres to the recommendation, that the time be 48 hours instead of 24 hours, since 24 hours is probably insufficient time.

8. Page 32. The Committee originally suggested, and adheres to the recommendation, that a new section 63 be added which would cover section 83-a of the New York City Criminal Courts Act with regard to the payment of fines of traffic courts.

Subject to the above comments, we approve the bill.

Very truly yours,


James H. Halpin
Chairman



**Court of Special Sessions
of the City of New York**

**John M. Murtugh
Chief Justice**

**100 Centre Street
New York 13, N. Y.**

April 9, 1962

Hon. Robert MacCrate
Counsel to the Governor
Executive Chamber
Albany, New York

Dear Mr. MacCrate:

Re: Senate 3d Rdg. 1138; Print 4066, 4674;
Intro. 3716 by Mr. Albert
Senate Print No. 4680; Intro. 3920;
introduced by Committee on Rules

Due to inadvertent error, a letter sent to you under date of April 6, 1962 covering the above bill was referred to as Senate Print, 4074, 4602; Intro. 3724. I shall appreciate your substituting the attached letter for the similar letter of April 6, 1962.

Sincerely yours,

Chief Justice

JMM: jes



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

83716

ARTHUR LEVITT
STATE COMPTROLLER

April 6, 1962

IN REPLYING REFER TO

REPORT TO THE GOVERNOR ON LEGISLATION

To: Hon. Robert MacCrate, Counsel to the Governor

The following bills are of no interest to this Department:

SENATE	Int.	Pr.
	27	A. 5904
	943	4528
	1547	4700
	1804	1863
	1912	4410
	1917	4293
	1927	1992
	1970	3853
	1990	2062
	2439	4565
	2454	4441
	2664	4651
	2680	2850
	2832	4701
	2883	4486
	2888	4567
	3004	4137
	3028	4652
	3065	3295
	3191	3445
	3283	3555
	3345	4226
	3415	3705
	3482	3777
	3483	4489
	3493	4500
	3494	4501
	3556	3883
	3557	4490
	3673	4460
	3696	4706

SENATE

Int.

Pr.

3703	4051
3716	4674
3719	4069
3721	4071
3724	4602
3726	4076
3728	4078
3736	4660
3737	4166
3782	4336
3783	4337
3791	4367
3793	4508
3795	4371
3813	4389
3822	4421
3827	4426
3865	4645
3868	4552
3876	4582
3911	4689
3917	4677
3918	4678
3933	4722
3934	4723
3938	4745
3947	4765
3949	4764

ARTHUR LEVITT
State Comptroller

By

Alfred W. Haight

Alfred W. Haight
First Deputy Comptroller

DD:bf