

**2011 Annual Report
New York State Senate
Judiciary Committee**



Senator John J. Bonacic, Chairman

Senator Ruth Hassell Thompson, Ranking Minority Member

April 18, 2012

Senator Dean Skelos
New York State Senate Majority Leader and President Pro-Tempore
Room 330 Capitol
Albany, New York 12247

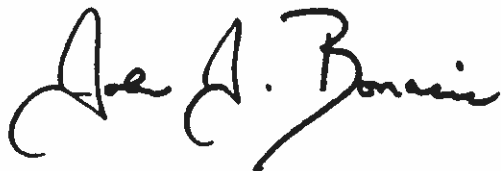
Dear Majority Leader Skelos:

As Chairman of the New York State Senate Judiciary Committee, I am pleased to present to you the Committee's 2011 Annual Report.

The attached report details the New York State Senate Judiciary Committee's activities over the past year. I would like to thank the Ranking Minority Member, Senator Ruth Hassell Thompson for her hard work and attentiveness to this committee. I'd also like to thank the members of the committee for their participation and commitment.

I look forward to working with the members of the Judiciary Committee to ensure that we continue to move in a positive, productive direction in 2012.

Sincerely,

A handwritten signature in black ink that reads "Joe J. Bonacic". The signature is written in a cursive style with a large, sweeping initial "J" and a long, trailing flourish at the end.

Senator John J. Bonacic

Committee Members

Senator John J. Bonacic, Chairman
Senator Ruth Hassell Thompson, Ranking Minority Member

Senator Eric Adams
Senator Neil D. Breslin
Senator John A. DeFrancisco
Senator Martin Malavé Dilan
Senator Adriano Espaillat
Senator John J. Flanagan
Senator Charles J. Fuschillo, Jr.
Senator Michael Gianaris
Senator Liz Krueger
Senator Andrew J. Lanza
Senator Kenneth P. Lavallo
Senator Betty Little
Senator Michael F. Nozzolio
Senator Thomas F. O'Mara
Senator Bill Perkins
Senator Michael H. Ranzenhofer
Senator Stephen M. Saland
Senator José M. Serrano
Senator Daniel L. Squadron
Senator Toby Ann Stavisky
Senator Lee M. Zeldin

Committee Staff

Langdon Chapman, Counsel to the Senate Judiciary Committee
Jennifer Slagen and David Gruenberg Majority Counsel
Andrew Winchell, Committee Clerk

Summary of Judiciary Committee Action on Bills

Total bills referred to Judiciary Committee in 2011	284
Total bills reported from Committee in 2011	70
Total number of bills reported by Committee that passed the Senate	38
Total number of Judiciary bills that became law in 2011	18
Total number of Judiciary bills vetoed in 2011	1

Judiciary Budget for 2011

The Legislature concurs with the Unified Court System (UCS) Budget request of \$2.55 billion, which reflects a voluntary reduction of \$170 million or 6.3 percent.

UCS saw reductions in the following areas: Civil Legal Services, \$12.5 million, this amount reflects a 50 percent reduction in the additional requested appropriation authority of \$25 million to implement the recommendations of the Chief Judge's Task Force to expand access to civil legal services in New York; Justice Court Assistance Program (JCAP), \$2.5 million, this amount reflects a 50 percent reduction in grants and support to town and village courts;

General State Charges, \$10 million to reflect savings on employee benefits that may arise due to downsizing; Judiciary-Wide Maintenance Undistributed reduction of \$54 million, this would allow UCS greater flexibility in the implementation of its containment program.

Judiciary Legislation Enacted Into Law in 2011

Chapter 501 of the Laws of 2011 S.2779 Young/A.408 Hoyt

Provides for the lapse of oil and gas interests located within Allegany state park if unused for 20 years prior to effective date of act.

Chapter 367 of the Laws of 2011 S.3179 Defrancisco/A.5022 Cusick

Allows lien filings for retainage to be filed within 90 days of when the lien was due to be released.

Chapter 23 of the Laws of 2011 S.3392 Lanza/A.6534 Abbate

Expands the residency requirements for New York City marshals to Orange, Westchester, Putnam, Nassau, Suffolk and Rockland.

Chapter 309 of the Laws of 2011 S.4302A Savino/A.7632 Rosenthal

Expands the allegations permitted in family offense petitions to certain new crimes recently enacted, such as criminal obstruction of breathing.

Chapter 44 of the Laws of 2011 S.4415 Ritchie/A.7253

Expands the residency requirements of stenographers for the county of Jefferson to any county within the 5th judicial district.

Chapter 342 of the Laws of 2011 S.4530B Saland/A.6875B Lentol

Establishes guidelines for information subpoenas for debt collectors who issue more than 50 information subpoenas each month, requiring certain records be maintained.

Chapter 566 of the Laws of 2011 S.4577A Bonacic/A.7519-A Jeffries

Authorizes attorneys' fees to be awarded to any person that the court finds has acted to benefit the class in a class action suit.

Chapter 573 of the Laws of 2011 S.4581 Bonacic/A.7466 Zebrowski

Extends the time of service, time in which defect in form must be raised, copy of proposed amended pleading, and the time of voluntary discontinuances.

Chapter 285 of the Laws of 2011 S.4585 Bonacic/A.7466 Zebrowski

Provides that the term “disposition” shall include succession to an interest occurring by operation of law by death of a joint tenant or tenant by entirety.

Chapter 307 of the Laws of 2011 S.4586A/ Bonacic/A.7465A Zebrowski

Clarifies, that in the absence of a patients authorization, a trial subpoena duces tecum seeking the production of medical records may be issued by the court.

Chapter 206 of the Laws of 2011 S.4591A Bonacic/ A.6838A Titone

Authorizes a beneficiary to be deposed in certain actions, where the beneficiary’s disposition under the will is conditioned upon the beneficiary not contesting the will.

Chapter 284 of the Laws of 2011 S.4594 Bonacic/A.6836 Zebrowski

Grants city court more powers with respect to an application for relief in aid of an arbitration award.

Chapter 34 of the Laws of 2011 S.4666 Nozzolio/A.6152 Bronson

Extends the judicial hearing officer pilot program in the family courts of the seventh and eighth judicial districts for 3 more years.

Chapter 522 of the Laws of 2011 S.5203A Libous/A.7538A Morelle

Prohibits private transfer fee obligations; requires disclosure of existing private transfer fee obligations.

Chapter 179 of the Laws of 2011 S.5449 Defrancisco/A.8007 Weinstein

Provides that any grant or gift of money to the unified court system shall be disposed of by the chief administrator of the courts without consent from the Senate and Assembly.

Chapter 529 of the Laws of 2011 S.5519 Bonacic/A.7729 Weinstein

Modifies certain formulas construed to refer to the federal estate and generation-skipping transfer tax on estates on decedents dying during 2010.

Chapter 523 of the Laws of 2011 S.5635B Bonacic/A.8368A Weinstein

Specifies courts and types of actions in which electronic means may be used to commence an action or special proceeding.

Judiciary Bills Vetoed by the Governor in 2011

S.1368A Dilan/A.3127-AO'Donnell

Authorizes the City of New York to enter into a contract for transportation of children for pre-kindergarten and early intervention students.

Judiciary Bills Enacted into Law Through Ballot Proposals

None.

Judicial Confirmations

David A. Weinstein of Glenmont confirmed to the Court of Claims, for a term expiring on March 31, 2020.

Stephen J. Mignano of Cortlandt Manor confirmed to the Court of Claims, for a term expiring on December 31, 2019.

Philip J. Patti of Pittsford confirmed to the Court of Claims, for a term expiring on December 31, 2020.

Daniel P. Fitzgerald of New York confirmed to the Supreme Court of the Eleventh Judicial District, for a term expiring on December 31, 2011.

Ronald A. Zweibel of New York confirmed to the Supreme Court of the First Judicial District, for a term expiring on December 31, 2011.

Public Hearing of the New York State Senate Judiciary Committee

**Joint - Senate Standing Committee on Racing, Gaming and Wagering
September 7, 2011: Legislative Office Building, Hearing Room B, Albany, NY
12247; 10:00 AM – 1:00 PM.**

- Randy King, Trustee Chairman, Shinnecock Indian Nation
- James Featherstonaugh, President, New York Gaming Association along with Michael Wilton, Executive Director, New York Gaming Association; and Timothy Rooney of Yonkers Raceway; and Michael Speller of Resorts World New York
- Jonathan Rouis, Chairman, Sullivan County Legislature, along with Allan Scott, President, Sullivan County Partnership and Roberta Byron Lockwood, President and Chief Executive Officer, Sullivan County Visitors Association
- Joseph D'Amato, Chief Executive Officer, along with Charlie Degliomini, Executive Vice President of Government Relations and Corporate Communication, Empire Resorts, Inc.
- Josh Gold, Director of Political and Strategic Affairs, New York Hotel & Motel Trades Council
- Joseph Faraldo, President, Standardbred Owners Association of New York