

## Joint Resolution

If each of the town boards approves the resolution or petition, the boards must prepare a joint resolution that abolishes the office of *one* justice in each town, and states that the remaining justice in each town will have jurisdiction in all of the participating towns.<sup>1</sup>

The joint resolution, among other things, must also identify each justice whose office will be abolished, and each justice whose office will be continued. Section 106-a(9) sets forth a process to be followed in the event that agreement cannot be reached as to which offices will be abolished in each town.

## Referendum

The joint resolution must be submitted to the electors of each town at the next general election, provided it occurs more than 60 days after the final determination of the language of the resolution.

If the resolution is approved by a majority of the qualified persons voting in each town, the joint resolution is adopted and the plan to establish the single town court will be implemented as provided in the resolution. However, if the joint resolution is disapproved by a majority of the persons voting in one or more towns, the resolution is defeated and no further action may be taken to implement the plan.

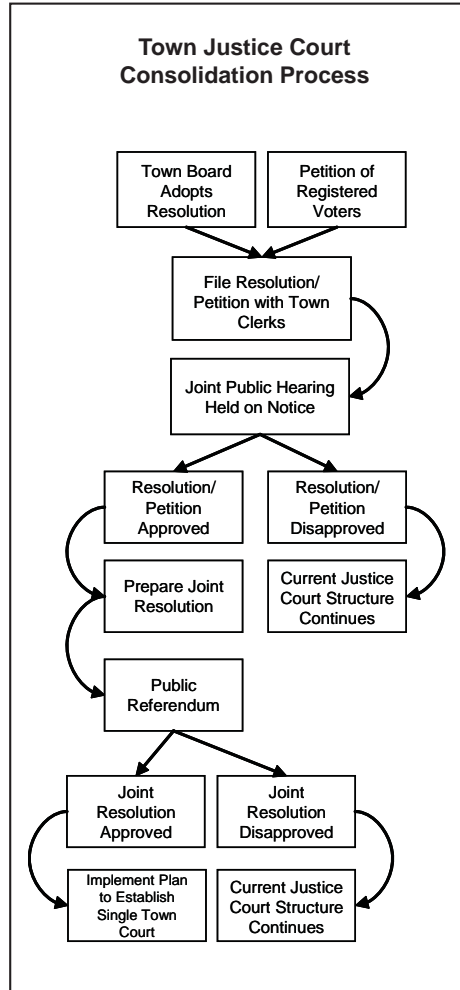
## Separate Records

If a single town court is established under this process, each justice must keep separate sets of records and dockets and maintain separate bank accounts for each town in which he or she has jurisdiction.

When a single town court is established, each town will retain their respective fine revenues.

<sup>1</sup> Uniform Justice Court Act Section 106-a assumes that each of the towns currently has two justices.

If your town is considering consolidating justice court offices, OSC may be able to help you assess the costs and benefits by providing revenue and expenditure data.



## RESOURCES

These groups can provide assistance to citizens and local governments interested in justice court consolidation.

### Office of Court Administration

Phone (800) 268-7869  
 Email [resourcecenter@courts.state.ny.us](mailto:resourcecenter@courts.state.ny.us)  
 Web [www.nycourts.gov/ea](http://www.nycourts.gov/ea)

### New York State Magistrates Association

Phone (800) 669-6247  
 Email [nysma@juno.com](mailto:nysma@juno.com)  
 Web [www.nysmagassoc.homestead.com](http://www.nysmagassoc.homestead.com)

### New York State Association of Magistrates Court Clerks

Phone (516) 599-0722  
 Web [www.nysamcc.com](http://www.nysamcc.com)

### New York Conference of Mayors

Phone (518) 463-1185  
 Email [info@nycom.org](mailto:info@nycom.org)  
 Web [www.nycom.org](http://www.nycom.org)

### Association of Towns of the State of New York

Phone (518) 465-7933  
 Web [www.nytowns.org](http://www.nytowns.org)

### Office of the State Comptroller, Justice Court Fund

Phone (518) 473-6438  
 Email [courtfund@osc.state.ny.us](mailto:courtfund@osc.state.ny.us)

## OFFICE OF THE STATE COMPTROLLER



DIVISION OF  
 LOCAL GOVERNMENT AND  
 SCHOOL ACCOUNTABILITY

Thomas P. DiNapoli, Comptroller  
 110 State Street  
 Albany, New York 12236  
 (518) 474-4037

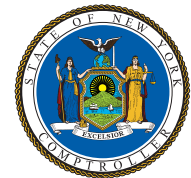
[localgov@osc.state.ny.us](mailto:localgov@osc.state.ny.us)



DIVISION OF LOCAL  
 GOVERNMENT AND  
 SCHOOL  
 ACCOUNTABILITY

# Justice Court Consolidation in Villages and Towns

## Information for Boards and Citizens



Thomas P. DiNapoli  
 State Comptroller

# Justice Court Consolidation in Villages and Towns

## JUSTICE COURTS IN NEW YORK STATE

At the end of 2006 there were 1,257 justice courts in 923 towns and 334 villages in New York. Justice courts represent over three-quarters of the State's trial courts. They hear roughly 2 million civil, criminal, misdemeanor, and traffic cases each year and are responsible for imposing and collecting a wide range of fines, surcharges, and civil fees.

Given the number of local justice courts responsible for hearing cases, and the fact that the financing of justice courts is a local responsibility, there is growing interest by citizens and local governments in exploring consolidation of justice courts where practicable.

The Office of the State Comptroller (OSC) has both a constitutional and a statutory role in the oversight of financial operations in New York's town and village justice courts, and provides technical assistance and training to magistrates and clerks. OSC also collects and distributes fee and fine revenues through the operations of the Justice Court Fund.

This guide is intended to assist local government officials and citizens considering justice court consolidation. It provides a step-by-step breakdown of the process and outlines some of the relevant issues. If properly structured, consolidation could help increase the efficiency and effectiveness of justice courts without jeopardizing local court revenues or lessening access to justice.

## CONSOLIDATION PROCESS FOR JUSTICE COURTS IN VILLAGES

If a town contains a village that has established the office of village justice, the village board of trustees may abolish the office of village justice by local law or resolution, subject to permissive referendum (Village Law Section 3-301[2][a]).

The local law or resolution abolishing the office of village justice only takes effect, however, upon the expiration of the then current term of office for the village justice (Village Law Section 3-301[2]; NY Const, art. VI, Section 17[d]).

Once the office of village justice no longer exists, the town justice court for the town in which the village is located will have jurisdiction of all justice court matters arising in the village.

Regardless of whether a village has its own court, a village receives the fines resulting from dog control violations and violations of village local laws (i.e., parking ordinances) other than speeding, as well as the local share of the mandatory surcharge collected on handicapped parking violations (currently \$15).

However, if a village chooses to abolish the office of village justice, the village will no longer be entitled to the fines imposed for violations of Vehicle and Traffic Law occurring within the village (Vehicle and Traffic Law Section 1803). Furthermore, fines imposed by a town justice court for criminal offenses that occur within the village will now be the property of the town.

## CONSOLIDATION PROCESS FOR JUSTICE COURTS IN TOWNS

A consolidation of town justice courts may be accomplished under the Uniform Justice Court Act, Section 106-a. This section, as amended by Chapter 237 of the Laws of 2007, authorizes two or more towns that form a contiguous geographic area within the same county to establish a single justice court. The single town court would be composed of justices elected from each town. The terms of these justices may not expire during the same year.

The process to establish a single court may be initiated by petition of registered voters of each town or by resolution of the town boards.

### Petition of Registered Voters

If initiated by petition, the petition must be addressed to each town board and must be signed by at least 20 percent of the registered voters in the towns. The petition must be filed with the town clerk in each of the affected towns; one town will receive the original petition, and the other town or towns will each receive a certified copy of the petition. A sample petition can be found in the Uniform Justice Court Act, Section 106-a.

### Town Board Resolution

Any town board may adopt a resolution calling for the reduction of the number of justices in the town and in one or more towns that form a contiguous area. As with the petition, the resolution

must be filed with the town clerk in one town and certified copies of the resolution must be filed in the other town or towns.

### Public Hearing

Once the process to establish a single town court is initiated, a joint public hearing is required.

The town clerk of the town in which the original petition or resolution was filed must, within 30 days after the filing of the original and certified copies of the petition or resolution, publish a notice of hearing in the official newspaper of each town, or, in the absence of an official newspaper, in a newspaper that is published within the county and has general circulation within the area of each town. The joint public hearing must be held within 20 to 40 days after the notice of hearing is published.

The town boards of the affected towns must meet at the time and place specified in the notice of hearing. One of the members of the participating town boards will be selected to preside at the meeting. At this meeting, the town boards will hear testimony and receive evidence and information that may be presented concerning the petition or resolution to establish a single town court.

Within 60 days after the hearing, the town boards must determine whether to approve the petition or resolution. The petition or resolution must be approved by each of the town boards, or the proceedings terminate and the current justice court structure continues.