




New York State  
Unified Court System

Hon. Joseph A. Zayas, J.S.C.  
Chief Administrative Judge

June 18, 2024

To: All UCS Judges and Justices  
From: Hon. Joseph A. Zayas   
Re: Judicial Protection

As you likely are aware, the FY2025 State budget contains two provisions that are very important for the protection of judges throughout New York State. In particular, Part F of Chapter 55 of the Laws of 2024:

1. Enacts the New York State Judicial Security Act, which provides a means for current and former state and federal judges to protect their personal information (and the personal information of their immediate family members) from public display; and
2. Adds two new Penal Law provisions, one addressing assaults on judges and one addressing harassment of judges.

We deeply appreciate the support of the Legislature and the Governor in enacting these new provisions, which have been a top priority of the Unified Court System for the past four years. Both new provisions go into effect on July 19, 2024.

A copy of the new legislation is attached, together with a Frequently Asked Questions document that provides answers to many of the questions that may arise relating to these new provisions. If you have any additional questions regarding the process outlined in this memorandum and the attached FAQ, please direct your inquiries to the OCA Department of Public Safety, at [jsa@nycourts.gov](mailto:jsa@nycourts.gov).

## **Part F of Chapter 55 of the Laws of 2024**

Section 1. Legislative purpose. The objective of this act, which shall be referred to as the "New York State Judicial Security Act", is to improve the safety and security of judges of the courts of the unified court system and of the federal courts sitting in New York state and of their immediate families. Greater confidence in their personal safety and security, and in that of their family members, will enable the judiciary to perform its duties fairly without fear of personal reprisal by litigants and others affected by the decisions of judges.

This objective will be accomplished by providing a means by which (i) private information concerning active and former judges and their immediate families can be kept from public display; and (ii) persons, businesses, associations, and public and private agencies having such information can be forbidden from posting it, or sharing or trading it with others.

This act shall be broadly construed to favor protections of the private information of those persons designated hereunder as "eligible individuals".

§ 2. The judiciary law is amended by adding a new article 22-C to read as follows:

### **ARTICLE 22-C** **NEW YORK STATE JUDICIAL SECURITY ACT**

#### **Section 859. New York state judicial security act.**

##### **§ 859. New York state judicial security act. 1. Definitions. As used in this article:**

**(a) "Eligible individual" shall mean an actively employed or former:**

**(i) judge or justice of the unified court system or judge of the housing part of the civil court of the city of New York; or**

**(ii) a federal judge, which shall include a federal judge or a senior, recalled, or retired federal judge sitting or maintaining chambers in New York, where such federal judge means:**

**(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;**

**(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;**

**(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;**

**(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a federal judge;**

**(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;**

**(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;**

**(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;**

**(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; or**

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(b) "Immediate family" shall mean, for each eligible individual, the spouse, former spouse, parent, child, and sibling.

(c) "Personal information" shall include the following for an eligible individual and, if such individual so indicates as provided in subparagraph (ii) of paragraph (a) of subdivision two of this section, for the members of their immediate family: (i) home address, including primary residence and secondary residences; (ii) unlisted telephone number; (iii) personal cell phone number; (iv) personal email address; (v) social security number; (vi) driver's license number; (vii) license plate number; (viii) marital status and identity of any present and former spouse; (ix) identity of children under the age of eighteen; (x) name and address of a school or day care facility attended by an immediate family member; (xi) bank account number; (xii) credit or debit card number; and (xiii) personal identification number (PIN).

(d) "Cease making public the personal information" of an identified person shall mean deleting, redacting or otherwise removing any existing posting on the internet and any display or publication in any medium accessible to the public containing such personal information and ceasing the sharing, trading, or transferring of such personal information with others, as is specified in the written request of the eligible individual on whose behalf the notification is made.

(e) "Excluded entity" means a commercial entity engaged in the following activity:

(i) reporting, news-gathering, speaking, or other activity intended to inform the public on matters of public interest or public concern;

(ii) using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for transaction or service requested by or concerning the individual whose personal information is being transferred;

(iii) providing publicly available information via real-time or near real-time alert services for health or safety purposes;

(iv) any activity where the commercial entity is a consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681, et seq.);

(v) any activity where the commercial entity is a financial institution subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that Act;

(vi) providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier;

(vii) any activity where the commercial entity is subject to the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320-d note); and

(viii) the collection and sale or licensing of personal information incidental to conducting the activities described in this paragraph.

(f) "Public agency" shall mean an agency of the state of New York and any of its political subdivisions.

2. Written request. (a) An eligible individual or their representative may submit a written request to their employer or former employer. To be enforceable, a written request shall be signed by an eligible individual, or their representative, and specify:

(i) those items of personal information that the eligible individual wishes to be kept from being made public;

(ii) the identity of members of the eligible individual's immediate family and whether, for purposes of the written request, their personal information should be deemed to include that of such immediate family members; and

(iii) each person, business, association, and public or private agency that the eligible individual wishes to bar from making public the personal information of such eligible individual.

(b) The employer may develop procedures to review and process written requests.

(c)(i) If a written request has been properly submitted and is complete, the employer for an active or former judge or justice of the unified court system or active or former judge of the housing part of the civil court of the city of New York, as appropriate, shall, within five business days of receipt of such written request from an eligible individual, notify each person, business, association, and public or private agency identified in the written request that (A) within seventy-two hours of receipt of such notification, that such person, business, association, and public or private agency must cease making public the personal information of the eligible individual identified in such request, and (B) they must make reasonable efforts to ensure that the personal information of the eligible individual is not made available on any website or subsidiary website controlled by that person, business, or association. For purposes of this subparagraph, notification shall be by certified mail, return receipt requested, either at the recipient's last known residence (if recipient is a person) or at the recipient's principal office (which shall be the location at which the office of the chief executive officer of the recipient is generally located).

(ii) If a written request has been properly submitted and is complete, the employer of an active or former federal judge of a federal court established in New York may notify each person, business, association, and public or private agency identified in the written request that (A) within seventy-two hours of receipt of such notification, they must cease making public the personal information of the eligible individual identified in such request, and (B) they must make reasonable efforts to ensure that the personal information of the eligible individual is not made available on any website or subsidiary website controlled by that person, business, or association. For purposes of this subparagraph, notification may be by certified mail, return receipt requested, either at the recipient's last known residence (if the recipient is a person) or at the recipient's principal office (which shall be the location at which the office of the chief executive officer of the recipient is generally located).

(iii) Notwithstanding any provision of this paragraph to the contrary, subparagraphs (i) and (ii) of this paragraph shall not apply to:

(A) display of the personal information of an eligible individual if such information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(B) personal information that the eligible individual voluntarily publishes after the effective date of this section;

(C) personal information received from a public agency or from an agency of the federal government; and

(D) permissible uses of personal information pursuant to the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.), except that no eligible individual making a written request under this article shall be deemed to have given express consent to share personal information for the purposes of 18 U.S.C. § 2721(b), unless the written request contains an express declaration to the contrary.

3. Recipient of notification not to make an eligible individual's personal information public. After a person, business, association, or public or private agency has received a notification pursuant to paragraph (c) of subdivision two of this section, they shall have seventy-two hours to cease making public the personal information of the eligible individual identified in such notification.

4. (a) An eligible individual may seek an injunction or declaratory relief in a court of competent jurisdiction against a person, business, association, or public or private agency that, after receiving a notification pursuant to paragraph (c) of subdivision two of this section, fails to timely comply with the requirements of such notification. If the court grants such injunctive or declaratory relief, the affected person, business, association, or agency shall be required to pay the eligible individual's costs and reasonable attorney's fees.

(b) Upon a violation of any order granting injunctive or declarative relief obtained pursuant to this subdivision, the court issuing such order may: (i) where the violator is a public agency, impose a fine not exceeding one thousand dollars and require the payment of court costs and reasonable attorney's fees; or (ii) where the violator is a person, business, association, or private agency, award damages to the affected eligible individual in an amount up to a maximum of three times the actual damages, but not less than four thousand dollars, and require the payment of court costs and reasonable attorney's fees.

5. Notwithstanding any other provision of law, where the department of motor vehicles receives a notification pursuant to paragraph (c) of subdivision two of this section, such department shall comply therewith except that, where the notification requires the department to cease making a person's address public, the department may make their business address public.

§ 3. Section 120.09 of the penal law, as added by chapter 148 of the laws of 2011, is amended to read as follows:

§ 120.09 Assault on a judge.

A person is guilty of assault on a judge when, with intent to [~~cause serious physical injury and~~] prevent a judge from performing official judicial duties, [~~he or she~~] such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Assault on a judge is a class C felony.

§ 4. The penal law is amended by adding a new section 120.09-a to read as follows:

§ 120.09-a Aggravated assault on a judge.

A person is guilty of aggravated assault on a judge when, with intent to cause serious physical injury and prevent a judge from performing official judicial duties, such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Aggravated assault on a judge is a class B felony.

§ 5. The penal law is amended by adding a new section 240.33 to read as follows:

§ 240.33 Aggravated harassment of a judge.

A person is guilty of aggravated harassment of a judge when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such judge's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such

person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section: "judge" shall mean a judge of a court of record or a justice court; and "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

Aggravated harassment of a judge is a class E felony.

§ 6. Section 3-220 of the election law is amended by adding a new subdivision 8 to read as follows:

8. Where a board of elections receives a notification pursuant to paragraph (c) of subdivision two of section eight hundred fifty-nine of the judiciary law, such board of elections shall comply with such notification, except that where the notification requires the board of elections to cease making a person's address public, such board shall not comply therewith from the date of filing of any ballot access or related document containing such address until thirty days after the last day to commence a special proceeding or action with respect to such filing.

§ 7. This act shall take effect on the ninetieth day after it shall have become a law.



**New Judicial Protection Legislation**  
(Part F of Chapter 55 of the Laws of 2024)

***Frequently Asked Questions***

**A. New York State Judicial Security Act**

**1. What does the New York State Judicial Security Act do?**

The Act – which is codified in Section 859 of the Judiciary Law – provides a means by which an active or former New York state or federal judge or justice may protect their personal information, as well as the personal information of their immediate family members, from public display, including online.

**2. Which judges are covered by the Act?**

The Act applies to: (1) active and former judges and justices of the Unified Court System; (2) active and former judges of the Housing Part of the New York City Civil Court; and (3) active and former federal judges sitting or maintaining chambers in New York (hereinafter collectively referred to as “Eligible Judges”). *See* Judiciary Law § 859(1)(a).

**3. When does the Act go into effect?**

The Act takes effect on July 19, 2024.

**4. How does the Act protect the personal information of judges and their family members?**

The Act authorizes any Eligible Judge, or their representative, to submit a signed written request (“Section 859 Request”) to the judge’s “employer or former employer” specifying: (1) items of personal information regarding the judge (or an immediate family member) that the judge wishes to be kept from being made public; and (2) each person, business, association, and public or private agency that the judge wishes to bar from making such personal information public. *See* Judiciary Law § 859(2)(a).

Within five days of receipt of a Section 859 Request from an Eligible Judge, the judge’s employer or former employer must notify each person, business, association, and public or private agency identified in the request (“Notice Recipient”) that, within 72 hours, the Notice Recipient must: (1) cease making such personal information public; and (2) make reasonable efforts to ensure that such personal information is not made available on any website controlled by the Notice Recipient. *See* Judiciary Law § 859(2)(c)(i).



## **5. Where should Eligible Judges send their Section 859 Requests?**

As noted above, the Act provides that Eligible Judges should send their Section 859 Requests to their “employer or former employer,” but does not define that phrase. As a result, we ask that State-paid judges and justices submit their Section 859 Requests to the Unified Court System at the following address:

Unified Court System  
c/o OCA Department of Public Safety  
25 Beaver Street  
New York, New York 10004  
ATTN: Chief Michael Magliano

In addition, we recommend that Town and Village justices speak with their local municipal executive authorities to determine the appropriate recipient of their Section 859 Requests.

## **6. Which immediate family members are covered by the Act?**

The Act defines “immediate family” as the judge’s spouse, former spouse, parent, child, and sibling. *See* Judiciary Law § 859(1)(b).

## **7. What constitutes “personal information” protected by the Act?**

“Personal information” is defined as including the following:

- home address (including primary and secondary residences);
- unlisted telephone numbers;
- personal cell phone numbers;
- personal email addresses;
- social security numbers;
- driver’s license numbers;
- license plate numbers;
- marital status;
- identity of any present or former spouse;
- identity of children under 18 years old;
- name and address of schools or day care facilities attended by immediate family members;
- bank account numbers;
- credit or debit card numbers;
- personal identification numbers (PINs).

*See* Judiciary Law § 859(1)(c).

**8. May a judge use the Act to compel removal of his or her photograph from the Internet?**

No. The definition of “personal information” does not include a photograph or likeness of a judge, and so those items are not required to be removed.

**9. How can a judge determine which persons, businesses, associations, and agencies should be notified to cease making the judge’s personal information public?**

Under the Act, the judge is responsible for identifying those persons, businesses, associations, and agencies that may have their personal information and that are making or could make such information public. The Office of Court Administration (OCA) is exploring ways of assisting State-paid judges in identifying entities that are publicizing their personal information and getting those entities to remove that information from the internet. OCA also is willing to assist local municipal authorities in their efforts to comply with this new statute.

**10. Is there a particular form that should be used to send the notification?**

OCA will be developing a standard notification form that State-paid judges will be able to use. That form will be circulated to all State-paid judges prior to the July 19, 2024 effective date of the Act, and will also be made available on the OCA website.

The municipal employers of Town and Village Justices are authorized to develop their own forms and procedures, *see* Judiciary Law § 859(2)(b), and the OCA is willing to assist any municipality that seeks help in developing their materials.

**11. What happens if an entity that has posted a judge’s personal information fails to remove that information after being notified under the Act?**

An Eligible Judge may seek an injunction or declaratory relief against any Notice Recipient that fails to comply with the requirements of the Act. If the injunction or declaratory relief is granted, the Notice Recipient must pay the judge’s court costs and reasonable attorney’s fees. *See* Judiciary Law § 859(4)(a).

If the Notice Recipient *other than a public agency* then violates the injunctive or declaratory relief order, the court may award damages of up to three times the judge’s actual damages or \$4,000 (whichever is greater), plus court costs and reasonable attorney’s fees. Violations by a *public agency* can result in a fine of up to \$1,000, plus court costs and reasonable attorney’s fees. *See* Judiciary Law § 859(4)(b).

**12. What happens if a judge submits the Section 859 Request, and then later discovers that other individuals or entities not listed in the original request also have personal information of the judge or a family member?**

The judge can simply submit a new Section 859 Request to the Unified Court System (UCS) or municipal authority, as appropriate, listing the newly discovered individuals and entities, and the UCS or municipal authority can issue a new notification to those additional individuals and entities.

**13. Are there any exemptions from compliance with the Act?**

Yes. Certain *information* is exempted from the Act’s protection and cannot be kept from public display, and certain *entities* are exempt from having to comply with a notification barring public display of a judge’s personal information.

The following *information* is exempt:

- personal information where it is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;
- personal information that a judge or justice has voluntarily published on or after July 19, 2024;
- personal information that has been received from a public agency or from an agency of the Federal government; and
- personal information that may be used pursuant to the Driver’s Privacy Protection Act (18 USC §2721 *et seq*).

See Judiciary Law § 859(2)(c)(iii).

The *entities* that are defined as an “excluded entity” are commercial entities engaged in:

- reporting, news gathering, speaking, or other activity intended to inform the public on matters of public interest or concern;
- using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for transaction or service requested by or concerning the judge whose personal information is being transferred;
- providing publicly available information via real-time or near real-time alert services for health or safety purposes;
- any activity where the commercial entity is a consumer reporting agency subject to the Fair Credit Reporting Act (15 USC §1681 *et seq*);
- any activity where the commercial entity is a financial institution subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that Act;
- providing 411 directory assistance or directory information services on behalf of or as a function of a telecommunications carrier;

- any activity where the commercial entity is subject to the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; and
- the collection and sale or licensing of personal information “incidental to” conducting the activities described above.

*See* Judiciary Law § 859(1)(e).

**14. May a judge require that their personal information in the possession of the Department of Motor Vehicles, a Board of Elections, or a County Clerk be kept from public view under the Act?**

Yes, with one exception. The Department of Motor Vehicles, a Board of Elections, and the office of a County Clerk are public agencies, and therefore personal information in their possession must be kept from public view upon proper notification in accordance with the Act’s procedures.

However, a Board of Election that receives a notification under the Act to stop making a judge’s home address public “shall not comply therewith from the date of filing of any ballot access or related document containing such address” until 30 days after the last day to commence a special proceeding or action with respect to such filing. *See* new Election Law § 3-220(8) (added by Chapter 55 of the Laws of 2024, Part F, Section 6).

**15. Once a judge’s employer issues a notification to a Notice Recipient under the Act, how long does that notification remain in effect?**

There is no end date stated in the Act.

**16. Are judges still covered by the Act after they leave office? And do the previously issued Section 859 Requests and Notices to Recipients remain in effect?**

Yes. Once a judge leaves office, they become a “former judge” and remain fully eligible for coverage under the Act. In addition, there is no need to submit a new Section 859 Request or to reissue Notices to Recipients, because the Act does not provide for an expiration date for those documents, so they remain in effect.

**17. Can a judge’s immediate family member submit their own Section 859 Request to the employer?**

No. The Act only permits an active or former judge (or their representative) to submit a written request for issuance of a notification barring public display of personal information. While immediate family members may have their personal information protected from display

through a judge's Section 859 Request, they have no independent right to expand that protection or to acquire those protections on their own, either in the first instance or as a modification of existing protections.

## **B. Penal Law Provisions**

### **18. What changes does the new legislation make to the Penal Law regarding attacks on judges?**

The legislation makes three changes to the Penal Law. *See* Chapter 55 of the Laws of 2024, Part F, Sections 3-5.

*First*, the new law amends existing Penal Law § 120.09 (Assault on a Judge), a class C felony, to eliminate the requirement that, in order to be convicted of this crime, the defendant must have had the intent to cause serious physical injury to the judge.

*Second*, the new law creates Penal Law § 120.09-a (Aggravated Assault on a Judge), a class B felony, which punishes any person who, with intent to cause serious physical injury and to prevent a judge from performing judicial duties, causes serious physical injury to such judge.

*Third*, the new law creates Penal Law § 240.33 (Aggravated Harassment of a Judge), a class E felony, which punishes various forms of harassing behaviors when directed against a judge or a member of their immediate family.

### **19. When do the new Penal Law provisions go into effect?**

The new Penal Law provisions go into effect on the same day as the New York State Judicial Security Act – i.e., July 19, 2024.