



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a proposal to add a new Part 48 to the Rules of the Chief Judge (22 NYCRR Part 48) and a new Part 153 to the Rules of the Chief Administrator (22 NYCRR Part 153) relating to establishment of Veterans Treatment Court parts

Date: September 29, 2025

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The Administrative Board of the Courts is seeking public comment on a proposal to add a new Part 48 of the Rules of the Chief Judge and a new Part 153 of the Rules of the Chief Administrator to designate Superior Courts for Veterans Treatment.

Superior Court judges presiding over veterans treatment courts currently do not have clear formal authority to transfer to themselves all treatment-court-eligible cases where veterans are not charged with a felony or where they are charged with violations of probation or conditional discharges that resulted from misdemeanor-level or violation-level dispositions. In particular, the reassignment of cases to and from Supreme Court and County Court is regulated by Article VI § 19 of the New York State Constitution, which authorizes transfers "as may be provided by law," but there is no statute specifically providing for such transfers. *People v. Correa*, 15 N.Y.3d 213, 224 (2010), makes clear that the adoption of court rules satisfies the "as may be provided by law" standard, and this proposal therefore recommends adoption of a new Part 48 and a new Part 153 to establish Superior Courts for Veterans Treatment.

The two new parts are modeled on the existing court rules relating to Superior Courts for Drug Treatment (Part 43 and Part 143) and Superior Courts for Mental Health Parts (Part 47 and Part 152). Those courts have created tremendous efficiencies by allowing one judge to preside over the cases of all individuals in the county eligible to participate in an Adult Drug Court or Mental Health Court, respectively.

Similar efficiencies would be created by allowing the Chief Administrative Judge to create Superior Courts for Veterans Treatment. For matters commenced and pending in the local criminal courts, the new rules would require, upon a defendant's motion and with the prosecution's consent, a local criminal court to send a copy of the court file to the designated Superior Court for Veterans Treatment. Such superior court would then have five days to review the matter and determine whether the transfer would "promote the administration of justice." The

proposed rule also provides for the review and potential transfer of matters commenced or pending in superior courts recognizing that only a Supreme Court may transfer to itself or to County Court a matter already pending in a superior criminal court.

The proposed Superior Courts for Veterans Treatment rules deviate in two modest ways from the rules governing Superior Courts for Drug Treatment. First, they use updated terminology regarding gender (“they” instead of “he or she”). Second, instead of setting forth that a local criminal court “may” transmit a copy of the papers associated with a pending criminal matter for review by the Superior Court for screening and review, the proposed rule uses “shall.” As the final authority to order the transfer is with the Supreme or County Court designated a Superior Court for Veterans Treatment, this clarification seeks to ensure that a superior court is notified of and able to review all potentially eligible matters where defendant seeks such a transfer and a district attorney consents.

The proposed rules are attached as Exhibit 1.

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Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than Friday, November 21, 2025.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT 1

Proposed Amendments

The Rules of the Chief Judge are amended by adding a new Part 48 to read as follows (additions underscored):

PART 48. SUPERIOR COURTS FOR VETERANS TREATMENT

Section 48.1. Superior Courts for Veterans Treatment

(a) A Superior Court for Veterans Treatment may be established in Supreme Court or County Court in any county by order of the Chief Administrator of the Courts following consultation with and agreement of the Presiding Justice of the Judicial Department in which such county is located. A Superior Court for Veterans Treatment shall have as its purpose the hearing and determination of criminal cases in the courts of the county that are appropriate for disposition by a veterans treatment court.

(b) The Chief Administrator, upon consultation with the Administrative Board of the Courts, shall promulgate such rules as are necessary to regulate operation of each Superior Court for Veterans Treatment, and to permit transfer to the court, for disposition, of cases of veterans that are pending in another court in the same county.

The Rules of the Chief Administrator are amended by adding a new Part 153 to read as follows (additions underscored):

PART 153. SUPERIOR COURTS FOR VETERANS TREATMENT

Section 153.1. Establishment of Superior Courts for Veterans Treatment

Following consultation with and agreement of the Presiding Justice of the Judicial Department in which a county is located, the Chief Administrator of the Courts, by administrative order, may establish a Superior Court for Veterans Treatment in Supreme Court or County Court in such county and assign one or more justices or judges to preside therein. Each such Superior Court for Veterans Treatment shall have as its purpose the hearing and determination of:

(a) criminal cases that are commenced in the court and that are identified by the court as appropriate for disposition by a veterans treatment court; and

(b) criminal cases that are commenced in other courts of the county, and that are identified as appropriate for disposition by a veterans treatment court and transferred to the court as provided in section 153.2 of this Part.

Section 153.2. Transfer of cases to Superior Courts for Veterans Treatment; How Effectuated

(a) Transfer of cases pending in local criminal courts.

(1) A local criminal court in a county in which a Superior Court for Veterans Treatment has been established in the Supreme or County Court thereof shall, upon motion of defendant and with the consent of the district attorney, cause copies of papers and other documents filed in such local criminal court in connection with a criminal action or proceeding pending therein to be sent to the Superior Court for Veterans Treatment:

(i) upon or after arraignment of defendant on a local criminal court accusatory instrument by which such action or proceeding was commenced; or

(ii) upon or after commencement of a proceeding brought against defendant for the violation of a condition of a sentence of probation or a sentence of conditional discharge.

(2) Not later than five days following receipt of the papers and other documents, the justice or judge presiding in the Superior Court for Veterans Treatment shall determine whether or not a transfer of the action or proceeding to the court would promote the administration of justice. If the justice or judge presiding in the court determines that it would, he or she may order such transfer, in which event the action or proceeding shall be transferred to the Superior Court for Veterans Treatment, all originating papers shall then be sent from the originating court to the Superior Court for Veterans Treatment, and all further proceedings shall be conducted therein. If the justice or judge determines that a transfer of the action or proceeding would not promote the administration of justice, he or she shall notify the local criminal court from which the reference was received of such determination, whereupon all further proceedings in such action or proceeding shall be conducted in accordance with law.

(b) Transfer of cases pending in a superior court.

(1) At any time while a criminal action or proceeding is pending in a superior court in a county in which a Superior Court for Veterans Treatment has been established, including a proceeding brought against defendant for the violation of a condition of a sentence of probation or a sentence of conditional discharge, a judge or justice of the court in which the action or proceeding is pending may, upon motion of defendant and with the consent of the district attorney, cause copies of papers and other documents filed in such court in connection with the action or proceeding to be sent to the judge or justice presiding in the Superior Court for Veterans Treatment for review of the appropriateness of the transfer.

(2) Not later than five business days following receipt of the papers and other documents, the judge or justice presiding in the Superior Court for Veterans Treatment shall determine whether or not a transfer of the action or proceeding to the court would promote the administration of justice. If such judge or justice determines that it would:

(i) if sitting in Supreme Court, they may order such transfer, in which event the action or proceeding shall be referred for disposition to the Superior Court for Veterans

Treatment, all original papers shall be sent to the Superior Court for Veterans Treatment, and all further proceedings in such action or proceeding shall be conducted therein; or

(ii) if sitting in County Court, they shall so notify the justice of the court who caused the papers and other documents to be sent to him or her, and such justice may thereupon order such transfer, in which event the action or proceeding shall be referred for disposition to the Superior Court for Veterans Treatment, all original papers shall be sent from the originating court to the Superior Court for Veterans Treatment, and all further proceedings in such action or proceeding shall be conducted therein. If the judge or justice presiding in the Superior Court for Veterans Treatment determines that a transfer of the action or proceeding would not promote the administration of justice, they shall notify the originating court of such determination, whereupon all further proceedings in such action or proceeding shall be conducted in accordance with law.

Section 153.3. Procedure in a Superior Court for Veterans Treatment upon Transfer of Case Thereto

Each action or proceeding transferred from a local criminal court to a superior court and referred for disposition to a Superior Court for Veterans Treatment thereof shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred.