

1498

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

---

Introduced by Sens. DeFRANCISCO, ALESI, GOLDEN, GRIFFO, LARKIN, MORAHAN, SAMPSON, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to providing for the "campaign medal for service" to be granted to those who provided military service during certain wars and conflicts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 247 of the military law is amended by adding a new  
2     subdivision 1-b to read as follows:  
3     1-B.     THE GOVERNOR IS HEREBY AUTHORIZED TO PRESENT IN THE NAME OF THE  
4     LEGISLATURE OF THE STATE OF NEW YORK, A MILITARY DECORATION, TO BE KNOWN  
5     AS THE "CAMPAIGN MEDAL FOR SERVICE", BEARING A SUITABLE INSCRIPTION,  
6     DEVICE, AND RIBBON, ALL OF WHICH SHALL BE OF SUITABLE DESIGN, TO ANY  
7     PERSON (I) WHO IS A CITIZEN OF THE STATE OF NEW YORK OR (II) WHO WAS A  
8     CITIZEN OF THE STATE OF NEW YORK WHILE SERVING IN THE ARMED FORCES OF  
9     THE UNITED STATES, AND WHO, WHILE SERVING IN THE UNITED STATES ARMED  
10    FORCES, DEFINED AS ARMY, AIR FORCE, NAVY, MARINE CORPS, OR COAST GUARD,  
11    SERVED IN ACTIVE DUTY IN WORLD WAR II, FROM THE SEVENTH DAY OF DECEMBER,  
12    NINETEEN HUNDRED FORTY-ONE TO AND INCLUDING THE THIRTY-FIRST DAY OF  
13    DECEMBER, NINETEEN HUNDRED FORTY-SIX; THE KOREAN CONFLICT, FROM THE  
14    TWENTY-SEVENTH DAY OF JUNE, NINETEEN HUNDRED FIFTY TO AND INCLUDING THE  
15    THIRTY-FIRST DAY OF JANUARY, NINETEEN HUNDRED FIFTY-FIVE; THE VIET NAM  
16    CONFLICT, FROM THE TWENTY-EIGHTH DAY OF FEBRUARY, NINETEEN HUNDRED  
17    SIXTY-ONE TO AND INCLUDING THE SEVENTH DAY OF MAY, NINETEEN HUNDRED  
18    SEVENTY-FIVE; THE PERSIAN GULF CONFLICT, FROM THE SECOND DAY OF AUGUST,  
19    NINETEEN HUNDRED NINETY TO AND INCLUDING THE TWENTY-EIGHTH DAY OF FEBRU-  
20    ARY, NINETEEN HUNDRED NINETY-ONE; THE AFGHANISTAN CONFLICT, FROM THE  
21    ELEVENTH DAY OF SEPTEMBER, TWO THOUSAND ONE TO AND INCLUDING THE END OF  
22    SUCH CONFLICT; OR THE IRAQ CONFLICT, FROM THE TWENTIETH DAY OF MARCH,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD04550-01-9

1 TWO THOUSAND THREE TO AND INCLUDING THE END OF SUCH CONFLICT. NOT MORE  
2 THAN ONE CAMPAIGN MEDAL FOR SERVICE SHALL BE ISSUED TO ANY ONE PERSON;  
3 NOR SHALL ANY CITATION BE AWARDED OR PRESENTED, UNDER THE PROVISIONS OF  
4 THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE SUBSEQUENT TO THE  
5 TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN HONORABLE. FOR  
6 EACH SUCCEEDING MEDAL AS PROVIDED IN THIS SUBDIVISION, SUCH PERSON SHALL  
7 BE ENTITLED TO WEAR, AS THE CHIEF OF STAFF OF THE STATE MAY DIRECT, A  
8 RIBBON WHOSE COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILI-  
9 TARY AND NAVAL AFFAIRS. IN THE EVENT OF THE DEATH OF ANY PERSON DURING  
10 OR SUBSEQUENT TO THE RECEIPT OF SUCH CITATION THE CAMPAIGN MEDAL FOR  
11 SERVICE SHALL BE PRESENTED TO SUCH REPRESENTATIVE OF THE DECEASED AS MAY  
12 BE DESIGNATED. THE CHIEF OF STAFF SHALL MAKE SUCH RULES AND REGULATIONS  
13 AS MAY BE DEEMED NECESSARY FOR THE PROPER PRESENTATION AND DISTRIBUTION  
14 OF SUCH DECORATIONS.

15 S 2. Subdivision 1-a of section 247 of the military law, as added by  
16 chapter 184 of the laws of 1998, is amended to read as follows:

17 1-a. The governor is hereby authorized to present in the name of the  
18 legislature of the state of New York, a military decoration, to be known  
19 as the "conspicuous service star", bearing a suitable inscription,  
20 device, and ribbon, all of which shall be of suitable design, to any  
21 person (i) who is a citizen of the state of New York or (ii) who was a  
22 citizen of the state of New York while serving in the armed forces of  
23 the United States, and who, while serving in the United States Armed  
24 Forces, defined as army, air force, navy, marine corps, or coast guard,  
25 has, or shall have received a United States unit level decoration denot-  
26 ing combat participation and foreign unit awards, issued from a company,  
27 regimental, brigade, or division commander, or equivalent naval unit, or  
28 issued by the President of the United States, the Congress of the United  
29 States, the United States Defense Department or the joint chiefs of  
30 staff, such as, but not limited to, a presidential unit citation or a  
31 joint meritorious unit award. Not more than one conspicuous service star  
32 shall be issued to any one person; nor shall any citation be awarded or  
33 presented, under the provisions of this subdivision, to any person whose  
34 entire service subsequent to the time of the receipt of such star shall  
35 not have been honorable. For each succeeding star as provided herein,  
36 such person shall be entitled to wear, as the chief of staff of the  
37 state may direct, a ribbon whose color and design shall be selected by  
38 the division of [military] MILITARY AND NAVAL affairs. In the event of  
39 the death of any person during or subsequent to the receipt of such  
40 citation the conspicuous service star shall be presented to such repre-  
41 sentative of the deceased as may be designated. The chief of staff shall  
42 make such rules and regulations as may be deemed necessary for the prop-  
43 er presentation and distribution of such decorations.

44 S 3. Subdivision 4 of section 247 of the military law, as amended by  
45 chapter 184 of the laws of 1998, is amended to read as follows:

46 4. This section shall not be construed to require that a recipient of  
47 the conspicuous service cross [or], the conspicuous service star OR THE  
48 CAMPAIGN MEDAL FOR SERVICE has been a resident of the state of New York  
49 at the time of his or her entry into the United States army, air force,  
50 navy, marine corps, or nurses corps.

51 S 4. This act shall take effect on the one hundred twentieth day after  
52 it shall have become a law; provided that the division of military and  
53 naval affairs is authorized to promulgate any and all rules and regu-  
54 lations and take any other measures necessary to implement this act on  
55 its effective date on or before such date.