

# STATE OF NEW YORK

6351--A

2021-2022 Regular Sessions

## IN ASSEMBLY

March 16, 2021

Introduced by M. of A. REYES, BUTTENSCHON, FERNANDEZ, THIELE, DICKENS, HUNTER, CRUZ, SIMON, ASHBY, FRONTUS, SCHMITT, MORINELLO, GLICK, J. M. GIGLIO, LAVINE, DARLING, NIOU -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to permitting a retired member to change his or her option election or designate a new beneficiary where the beneficiary has been convicted of a family offense

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The retirement and social security law is amended by adding  
2 a new section 103 to read as follows:

3 § 103. Beneficiary convicted of a family offense. a. Notwithstanding  
4 any other provision of this article, a retired member of any tier status  
5 subject to the provisions of this chapter shall be permitted to change  
6 his or her option election or designate a new beneficiary where the  
7 beneficiary has been convicted of a family offense as defined in section  
8 eight hundred twelve of the family court act or section 530.11 of the  
9 criminal procedure law and the retired member is a complainant.

10 b. A retired member shall have one hundred eighty days from the date  
11 of the beneficiary's conviction to change his or her election or design-  
12 ate a new beneficiary by submitting a request in writing to the retire-  
13 ment system. Once the retirement system receives such written request a  
14 new benefit shall be calculated by the retirement system pursuant to  
15 sections sixty, three hundred sixty, four hundred forty-eight, five  
16 hundred eight, five hundred eight-a, five hundred eight-b, six hundred

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

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1 six, six hundred six-a or six hundred six-b of this chapter, whichever  
2 section is applicable to such retired member.

3 c. The comptroller in consultation with the division of criminal  
4 justice services and the New York state office for the prevention of  
5 domestic violence, shall ensure that retired members are provided notice  
6 of the provisions of this section.

7 d. The comptroller is authorized to promulgate rules and regulations  
8 necessary for the implementation of this section.

9 § 2. The administrative code of the city of New York is amended by  
10 adding a new section 13-197 to read as follows:

11 § 13-197 Beneficiary convicted of a family offense. (a) Notwithstand-  
12 ing any other provision of this chapter, a retired member of any tier  
13 status provided for in this title shall be permitted to change his or  
14 her option election or designate a new beneficiary where the beneficiary  
15 has been convicted of a family offense as defined in section eight  
16 hundred twelve of the family court act or section 530.11 of the criminal  
17 procedure law and the retired member is a complainant.

18 (b) A retired member shall have one hundred eighty days from the date  
19 of the beneficiary's conviction to change his or her election or desig-  
20 nate a new beneficiary by submitting a request in writing to the retire-  
21 ment system. Once the retirement system receives such written request a  
22 new benefit shall be calculated pursuant to section 13-148, 13-243 or  
23 13-542 of this title, whichever section is applicable to such retired  
24 member.

25 (c) The comptroller in consultation with the office of criminal  
26 justice and the New York state office for the prevention of domestic  
27 violence, shall ensure that retired members are provided notice of the  
28 provisions of this section.

29 (d) The comptroller is authorized to promulgate rules and regulations  
30 necessary for the implementation of this section.

31 § 3. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law.