

STATE OF NEW YORK

3991--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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:

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

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

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request a new benefit shall be calculated by the retirement system pursuant to sections sixty, three hundred sixty, four hundred forty-eight, five hundred eight, five hundred eight-a, five hundred eight-b, six hundred six, six hundred six-a or six hundred six-b of this chapter, whichever section is applicable to such retired member.

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

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

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

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

9 § 13-197 Beneficiary convicted of a family offense. (a) Notwithstand-
10 ing any other provision of this chapter, a retired member of any tier
11 status provided for in this title shall be permitted to change his or
12 her option election or designate a new beneficiary where the beneficiary
13 has been convicted of a family offense as defined in section eight
14 hundred twelve of the family court act or section 530.11 of the criminal
15 procedure law and the retired member is a complainant.

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

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

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

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