

9960

I N A S S E M B L Y

February 19, 2010

Introduced by M. of A. LAVINE -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the tax law, in relation to creating a taxpayer abuse
sanction

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

1 Section 1. The tax law is amended by adding a new section 608 to read
2 as follows:
3 S 608. TAXPAYER ABUSE SANCTION. (A) FOR PURPOSES OF THIS SECTION, THE
4 TERM "PUBLIC RETIREMENT SYSTEM OF THE STATE" SHALL MEAN THE NEW YORK
5 STATE EMPLOYEES' RETIREMENT SYSTEM, NEW YORK STATE POLICEMEN'S AND FIRE-
6 MEN'S RETIREMENT SYSTEM, NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, NEW
7 YORK CITY EMPLOYEES' RETIREMENT SYSTEM, NEW YORK CITY TEACHERS' RETIRE-
8 MENT SYSTEM, NEW YORK CITY POLICE PENSION FUND, NEW YORK CITY FIRE
9 DEPARTMENT PENSION FUND, THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT
10 SYSTEM AND ANY OTHER RETIREMENT SYSTEM OF THE STATE OR CITY OF NEW YORK.
11 (B) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
12 SAND TEN, THERE SHALL BE A SANCTION IMPOSED AGAINST THE INCOME OF ANY
13 MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE, WHO WAS CONVICTED OF:
14 (1) GRAND LARCENY IN THE FIRST DEGREE PURSUANT TO SECTION 155.42 OF THE
15 PENAL LAW; (2) GRAND LARCENY IN THE SECOND DEGREE PURSUANT TO SECTION
16 155.40 OF THE PENAL LAW; OR (3) SCHEME TO DEFRAUD IN THE FIRST DEGREE
17 PURSUANT TO SECTION 190.65 OF THE PENAL LAW; WHERE SUCH CONVICTION WAS
18 BASED UPON ACTS COMMITTED WHICH RELATED TO THE NATURE OF SUCH MEMBER'S
19 PUBLIC SERVICE.
20 (C) SUCH SANCTION SHALL BE IMPOSED FOR ANY TAXABLE YEAR DURING WHICH
21 SUCH MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE IS ELIGIBLE TO
22 RECEIVE A PENSION BENEFIT AND SHALL BE IN AN AMOUNT EQUAL TO THE AMOUNT
23 OF ANY SUCH BENEFIT RECEIVED DURING SUCH TAXABLE YEAR.
24 S 2. This act shall take effect immediately and shall apply to taxable
25 years beginning on or after January 1, 2010.

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

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