

5682

2009-2010 Regular Sessions

I N S E N A T E

May 27, 2009

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Introduced by Sens. STEWART-COUSINS, DUANE, HASSELL-THOMPSON, C. JOHNSON  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to prohibiting a  
person who has abandoned his or her spouse from collecting any portion  
of the spouse's pension

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

1 Section 1. The domestic relations law is amended by adding a new  
2 section 212 to read as follows:  
3 S 212. ABANDONMENT; BAR TO PENSION COLLECTION. (A) NOTWITHSTANDING ANY  
4 PROVISION OF LAW TO THE CONTRARY, A PERSON WHO HAS ABANDONED HIS OR HER  
5 SPOUSE OR DOMESTIC PARTNER SHALL BE BARRED FROM CLAIMING OR COLLECTING,  
6 AS PART OF A DISTRIBUTIVE AWARD, ANY PORTION OF A PENSION OWED TO SUCH  
7 SPOUSE OR DOMESTIC PARTNER BY ANY PUBLIC OR PRIVATE EMPLOYER.  
8 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO BAR OR IMPEDE THE  
9 ENFORCEMENT OF AN ORDER FOR CHILD SUPPORT OR FOR SPOUSAL MAINTENANCE BY  
10 GARNISHMENT OR ATTACHMENT OF SUCH PENSION FUNDS OR BY OTHER MEANS.  
11 S 2. This act shall take effect immediately.

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

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