S T A T E O F N E W Y O R K

10581

I N A S S E M B L Y

April 8, 2010

Introduced by M. of A. MONTESANO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, the civil service law and the education law, in relation to forfeiture of benefits for felony convictions related to abuse of office

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

Section 1. Section 2 of the public officers law is amended to read as follows:

S 2. Definitions. The term "state officer" includes every officer for whom all the electors of the state are entitled to vote, members of the legislature, justices of the [supreme] UNIFIED court SYSTEM, regents of the university, and every officer, appointed by one or more state officers, or by the legislature, and authorized to exercise his official functions throughout the entire state, or without limitation to any political subdivision of the state, except United States senators, members of congress, and electors for president and vice-president of the United States. The term "local officer" includes every other officer who is elected by the electors of a portion only of the state, every officer of a political subdivision or municipal corporation of the state, EVERY SCHOOL OFFICER, and every officer limited in the execution of his official functions to a portion only of the state. The office of a state officer is a state office. The office of a local officer is a local office.

S 2. The public officers law is amended by adding a new section 3-d to read as follows:

S 3-D. FORFEITURE OF BENEFITS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PUBLIC OFFICER WHO IS CONVICTED OF A FELONY CRIME RELATED TO ABUSE OF HIS OR HER OFFICE SHALL HAVE ALL BENEFITS ABOLISHED, INCLUDING, BUT NOT LIMITED TO, SALARY AND RETIREMENT BENEFITS; PROVIDED, HOWEVER, THAT SUCH PUBLIC OFFICER SHALL BE ENTITLED TO A PRO RATA RETURN OF HIS OR HER CONTRIBUTION PAID INTO THE RELEVANT RETIREMENT SYSTEM, IN ANY AMOUNT PROPORTIONATE TO THE AMOUNT OF ANY FORFEITURE, WITHOUT INTEREST.

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

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S 3. The civil service law is amended by adding a new section 153 to read as follows:

S 153. FORFEITURE OF BENEFITS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PUBLIC EMPLOYEE WHO IS CONVICTED OF A FELONY CRIME RELATED TO ABUSE OF HIS OR HER EMPLOYMENT SHALL HAVE ALL BENEFITS ABOLISHED, INCLUDING, BUT NOT LIMITED TO, SALARY AND RETIREMENT BENEFITS; PROVIDED, HOWEVER, THAT SUCH PUBLIC EMPLOYEE SHALL BE ENTITLED TO A PRO RATA RETURN OF HIS OR HER CONTRIBUTION PAID INTO THE RELEVANT RETIREMENT SYSTEM, IN ANY AMOUNT PROPORTIONATE TO THE AMOUNT OF ANY FORFEITURE, WITHOUT INTEREST.

S 4. The education law is amended by adding a new section 3020-b to read as follows:

S 3020-B. FORFEITURE OF BENEFITS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON EMPLOYED AS A SUPERINTENDENT OF SCHOOLS, TEACHER, OR EMPLOYEE IN A PUBLIC SCHOOL WHO IS CONVICTED OF A FELONY CRIME RELATED TO ABUSE OF HIS OR HER EMPLOYMENT SHALL HAVE ALL BENEFITS ABOLISHED, INCLUDING, BUT NOT LIMITED TO, SALARY AND RETIREMENT BENEFITS; PROVIDED, HOWEVER, THAT SUCH SUPERINTENDENT, TEACHER, OR EMPLOYEE SHALL BE ENTITLED TO A PRO RATA RETURN OF HIS OR HER CONTRIBUTION PAID INTO THE RELEVANT RETIREMENT SYSTEM, IN ANY AMOUNT PROPORTIONATE TO THE AMOUNT OF ANY FORFEITURE, WITHOUT INTEREST.

S 5. This act shall take effect immediately.