

5682

2009-2010 Regular Sessions

I N S E N A T E

May 27, 2009

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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