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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The domestic relations law is amended by adding a new section 212 to read as follows:

S 212. ABANDONMENT; BAR TO PENSION COLLECTION. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PERSON WHO HAS ABANDONED HIS OR HER SPOUSE OR DOMESTIC PARTNER SHALL BE BARRED FROM CLAIMING OR COLLECTING, AS PART OF A DISTRIBUTIVE AWARD, ANY PORTION OF A PENSION OWED TO SUCH SPOUSE OR DOMESTIC PARTNER BY ANY PUBLIC OR PRIVATE EMPLOYER.

(B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO BAR OR IMPEDE THE ENFORCEMENT OF AN ORDER FOR CHILD SUPPORT OR FOR SPOUSAL MAINTENANCE BY GARNISHMENT OR ATTACHMENT OF SUCH PENSION FUNDS OR BY OTHER MEANS.

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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