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

702

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. SAYWARD, MONTESANO, TOBACCO -- read once and referred to the Committee on Governmental Employees

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 5 of the constitution, in relation to removal of pension and retirement benefits from persons convicted of certain felonies

Section 1. Resolved (if the Senate concur), That section 7 of article 5 of the constitution be amended to read as follows:

S 7. After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired EXCEPT IN INSTANCES WHERE THE MEMBER IS CONVICTED OF ANY FELONY OFFENSES AS DEFINED BY STATE OR FEDERAL LAW AND WHEN THAT OFFENSE WAS DIRECTLY RELATED TO ASSIGNED DUTIES WHILE SERVING AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF. IN SUCH A CASE THE CONTRACTUAL RELATIONSHIP WILL BE DEEMED TO HAVE BEEN SEVERED BY THE BENEFICIARY DUE TO THEIR BREACH OF THE PUBLIC TRUST AND VIOLATION OF THEIR OATH OF OFFICE.

S 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

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

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