

5653

2011-2012 Regular Sessions

I N S E N A T E

June 9, 2011

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, in
relation to the effect of discharge or dismissal of a police officer
or firefighter with twenty years of creditable retirement service

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 13-256.1 to read as follows:
3 S 13-256.1 DISCHARGE OR DISMISSAL. A. NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, WHEN A MEMBER HAS ATTAINED AT LEAST TWENTY YEARS OF
5 CREDITABLE POLICE SERVICE IN THE RETIREMENT SYSTEM, THE DISCHARGE OR
6 DISMISSAL FROM EMPLOYMENT OF SUCH PERSON SHALL NOT PRECLUDE SUCH PERSON
7 FROM RECEIVING ANY RIGHTS OR BENEFITS TO WHICH HE OR SHE SHALL OTHERWISE
8 BE ENTITLED AS A MEMBER OR RETIRED MEMBER OF THE RETIREMENT SYSTEM NOR
9 UPON RETIREMENT SHALL HIS OR HER BENEFITS BE IN ANY WAY DIMINISHED AS A
10 RESULT OF SUCH DISCHARGE OR DISMISSAL. SUCH MEMBER SHALL BE DEEMED TO
11 BE RETIRED ON THE DATE OF HIS OR HER DISCHARGE OR DISMISSAL FROM SERVICE
12 FOR PURPOSES OF DETERMINING HIS OR HER RIGHTS AND BENEFITS AS A MEMBER
13 OF THE RETIREMENT SYSTEM.
14 B. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION A OF THIS
15 SECTION, A MEMBER, OTHER THAN A MEMBER TO WHICH ARTICLE FOURTEEN OF THE
16 RETIREMENT AND SOCIAL SECURITY LAW IS APPLICABLE, THAT HAS ATTAINED AT
17 LEAST TWENTY YEARS OF CREDITABLE SERVICE IN THE RETIREMENT SYSTEM SHALL
18 FORFEIT THE RETIREMENT BENEFITS TO WHICH THE MEMBER WOULD OTHERWISE BE
19 ENTITLED IF THE MEMBER IS CONVICTED UNDER THE LAWS OF THE STATE OF NEW
20 YORK OF A FELONY, OR UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED
21 STATES OF AN OFFENSE OR CRIME WHICH, IF COMMITTED IN THE STATE OF NEW
22 YORK, WOULD BE A FELONY.
23 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IN ANY WAY MODIFY OR
24 AFFECT THE RIGHTS OR BENEFITS OF ANY MEMBER OF THE RETIREMENT SYSTEM TO

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

LBD09543-03-1

1 WHICH ARTICLE FOURTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW IS
2 APPLICABLE.

3 S 2. The administrative code of the city of New York is amended by
4 adding a new section 13-361.1 to read as follows:

5 S 13-361.1 DISCHARGE OR DISMISSAL. A. NOTWITHSTANDING ANY OTHER
6 PROVISION OF LAW, WHEN A MEMBER HAS ATTAINED AT LEAST TWENTY YEARS OF
7 CREDITABLE FIRE UNIFORMED FORCE SERVICE IN THE RETIREMENT SYSTEM, THE
8 DISCHARGE OR DISMISSAL FROM EMPLOYMENT OF SUCH PERSON SHALL NOT PRECLUDE
9 SUCH PERSON FROM RECEIVING ANY RIGHTS OR BENEFITS TO WHICH HE OR SHE
10 SHALL OTHERWISE BE ENTITLED AS A MEMBER OR RETIRED MEMBER OF THE RETIRE-
11 MENT SYSTEM NOR UPON RETIREMENT SHALL HIS OR HER BENEFITS BE IN ANY WAY
12 DIMINISHED AS A RESULT OF SUCH DISCHARGE OR DISMISSAL. SUCH MEMBER
13 SHALL BE DEEMED TO BE RETIRED ON THE DATE OF HIS OR HER DISCHARGE OR
14 DISMISSAL FROM SERVICE FOR PURPOSES OF DETERMINING HIS OR HER RIGHTS AND
15 BENEFITS AS A MEMBER OF THE RETIREMENT SYSTEM.

16 B. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION A OF THIS
17 SECTION, A MEMBER, OTHER THAN A MEMBER TO WHICH ARTICLE FOURTEEN OF THE
18 RETIREMENT AND SOCIAL SECURITY LAW IS APPLICABLE, THAT HAS ATTAINED AT
19 LEAST TWENTY YEARS OF CREDITABLE SERVICE IN THE RETIREMENT SYSTEM SHALL
20 FORFEIT THE RETIREMENT BENEFITS TO WHICH THE MEMBER WOULD OTHERWISE BE
21 ENTITLED IF THE MEMBER IS CONVICTED UNDER THE LAWS OF THE STATE OF NEW
22 YORK OF A FELONY, OR UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED
23 STATES OF AN OFFENSE OR CRIME WHICH, IF COMMITTED IN THE STATE OF NEW
24 YORK, WOULD BE A FELONY.

25 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IN ANY WAY MODIFY OR
26 AFFECT THE RIGHTS OR BENEFITS OF ANY MEMBER OF THE RETIREMENT SYSTEM TO
27 WHICH ARTICLE FOURTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW IS
28 APPLICABLE.

29 S 3. This act shall take effect immediately.