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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding a new section 13-256.1 to read as follows:

S 13-256.1 DISCHARGE OR DISMISSAL. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A MEMBER HAS ATTAINED AT LEAST TWENTY YEARS OF CREDITABLE POLICE SERVICE IN THE RETIREMENT SYSTEM, THE DISCHARGE OR DISMISSAL FROM EMPLOYMENT OF SUCH PERSON SHALL NOT PRECLUDE SUCH PERSON FROM RECEIVING ANY RIGHTS OR BENEFITS TO WHICH HE OR SHE SHALL OTHERWISE BE ENTITLED AS A MEMBER OR RETIRED MEMBER OF THE RETIREMENT SYSTEM NOR UPON RETIREMENT SHALL HIS OR HER BENEFITS BE IN ANY WAY DIMINISHED AS A RESULT OF SUCH DISCHARGE OR DISMISSAL. SUCH MEMBER SHALL BE DEEMED TO BE RETIRED ON THE DATE OF HIS OR HER DISCHARGE OR DISMISSAL FROM SERVICE FOR PURPOSES OF DETERMINING HIS OR HER RIGHTS AND BENEFITS AS A MEMBER OF THE RETIREMENT SYSTEM.

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

C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IN ANY WAY MODIFY OR 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.

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

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

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

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

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

S 3. This act shall take effect immediately.