

3785

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. JACOBS -- Multi-Sponsored by -- M. of A. RIVERA,
WRIGHT -- read once and referred to the Committee on Governmental
Operations

AN ACT to amend the military law, in relation to affording uniformed
personnel who assist police officers, serving in foreign countries on
behalf of the United States government the same protection as other
public employees serving in the military

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

1 Section 1. Paragraph (b) of subdivision 1 of section 243 of the mili-
2 tary law, as amended by chapter 248 of the laws of 2001, is amended to
3 read as follows:
4 (b) The term "military duty" shall mean military service in the mili-
5 tary, naval, aviation or marine service of the United States subsequent
6 to July first, nineteen hundred forty, or service under the selective
7 training and service act of nineteen hundred forty, or the national
8 guard and reserve officers mobilization act of nineteen hundred forty,
9 or any other act of congress supplementary or amendatory thereto, or any
10 similar act of congress hereafter enacted and irrespective of the fact
11 that such service was entered upon following a voluntary enlistment
12 therefor or was required under one of the foregoing acts of congress, or
13 service with the United States public health service as a commissioned
14 officer, or service with the American Red Cross while with the armed
15 forces of the United States on foreign service, or service with the
16 special services section of the armed forces of the United States on
17 foreign service, or service in the merchant marine which shall consist
18 of service as an officer or member of the crew on or in connection with
19 a vessel documented under the laws of the United States or a vessel
20 owned by, chartered to, or operated by or for the account or use of the
21 government of the United States, or service by one who was employed by
22 the War Shipping Administration or Office of Defense Transportation or

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

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1 their agents as a merchant seaman documented by the United States Coast
2 Guard or Department of Commerce, or as a civil servant employed by the
3 United States Army Transport Service (later redesignated as the United
4 States Army Transportation Corps, Water Division) or the Naval Transpor-
5 tation Service; and who served satisfactorily as a crew member during
6 the period of armed conflict, December seventh, nineteen hundred forty-
7 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
8 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
9 as such terms are defined under federal law (46 USCA 10301 & 10501) and
10 further to include "near foreign" voyages between the United States and
11 Canada, Mexico, or the West Indies via ocean routes, or public vessels
12 in oceangoing service or foreign waters and who has received a Certif-
13 icate of Release or Discharge from Active Duty and a discharge certif-
14 icate, or an Honorable Service Certificate/Report of Casualty, from the
15 Department of Defense, or who served as a United States civilian
16 employed by the American Field Service and served overseas under United
17 States Armies and United States Army Groups in world war II during the
18 period of armed conflict, December seventh, nineteen hundred forty-one
19 through May eighth, nineteen hundred forty-five, and who was discharged
20 or released therefrom under honorable conditions, or who served as a
21 United States civilian Flight Crew and Aviation Ground Support Employee
22 of Pan American World Airways or one of its subsidiaries or its affil-
23 iates and served overseas as a result of Pan American's contract with
24 Air Transport Command or Naval Air Transport Service during the period
25 of armed conflict, December fourteenth, nineteen hundred forty-one
26 through August fourteenth, nineteen hundred forty-five, and who was
27 discharged or released therefrom under honorable conditions; or service
28 in police duty on behalf of the United States government in a foreign
29 country, if such person is a PEACE OFFICER OR police officer, as defined
30 by section 1.20 of the criminal procedure law, and if such PEACE OFFICER
31 OR police officer obtained the prior consent of his or her public
32 employer to absent himself or herself from his or her position to engage
33 in the performance of such service; OR SERVICE AS AN INTERPRETER ASSIST-
34 ING PERSONS IN POLICE DUTY ON BEHALF OF THE UNITED STATES GOVERNMENT IN
35 A FOREIGN COUNTRY, IF SUCH INTERPRETER WAS ON LEAVE FROM A POSITION IN
36 THE UNIFORMED FORCE OF A PUBLIC EMPLOYER AND IF SUCH INTERPRETER
37 OBTAINED THE PRIOR CONSENT OF HIS OR HER PUBLIC EMPLOYER TO ABSENT
38 HIMSELF OR HERSELF FROM HIS OR HER POSITION TO ENGAGE IN THE PERFORMANCE
39 OF SUCH SERVICE; or as an enrollee in the United States maritime service
40 on active duty and, to such extent as may be prescribed by or under the
41 laws of the United States, any period awaiting assignment to such
42 service and any period of education or training for such service in any
43 school or institution under the jurisdiction of the United States
44 government, but shall not include temporary and intermittent gratuitous
45 service in any reserve or auxiliary force. It shall include time spent
46 in reporting for and returning from military duty and shall be deemed to
47 commence when the public employee leaves his OR HER position and to end
48 when he OR SHE is reinstated to his OR HER position, provided such rein-
49 statement is within ninety days after the termination of military duty,
50 as hereinafter defined. Notwithstanding the foregoing provisions of
51 this paragraph, the term "military duty" shall not include any of the
52 foregoing services entered upon voluntarily on or after January first,
53 nineteen hundred forty-seven and before June twenty-fifth, nineteen
54 hundred fifty; and, on or after July first, nineteen hundred seventy,
55 the term "military duty" shall not include any voluntary service in
56 excess of four years performed after that date, or the total of any

1 voluntary services, additional or otherwise, in excess of four years
2 performed after that date, shall not exceed five years, if the service
3 in excess of four years is at the request and for the convenience of the
4 federal government, except if such voluntary service is performed during
5 a period of war, or national emergency declared by the president.
6 S 2. Notwithstanding subdivision 4 of section 243 of the military law,
7 a person whose military duty entailed service as an interpreter assist-
8 ing persons in police duty on behalf of the United States government in
9 a foreign country shall be permitted to make contributions to the
10 retirement system of which he or she is a member within five years from
11 the effective date of this act or five years from the termination of
12 such service, whichever is later, for the purposes of obtaining retire-
13 ment credit as provided in such subdivision.
14 S 3. This act shall take effect immediately.