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

6722

2015-2016 Regular Sessions

I N A S S E M B L Y

March 30, 2015

Introduced by M. of A. BUCHWALD, MORELLE -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 5 of the constitution, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment

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. A PUBLIC OFFICIAL WHO IS A MEMBER OF A PENSION OR RETIREMENT SYSTEM WHO IS CONVICTED OF A FELONY RELATED TO PUBLIC OFFICE SHALL BE DEEMED TO HAVE WILFULLY BREACHED SUCH CONTRACTUAL RELATIONSHIP REGARDLESS OF WHEN SUCH RELATIONSHIP WAS ESTABLISHED. AS A RESULT OF SUCH BREACH, ALL BENEFITS, RIGHTS AND PRIVILEGES HE OR SHE MAY HAVE UNDER SUCH PENSION OR RETIREMENT SYSTEM REGARDLESS OF WHEN SUCH RIGHTS OR PRIVILEGES ACCRUED OR VESTED, SHALL BE SUBJECT TO FORFEITURE AS MAY BE PROVIDED BY LAW. THE LEGISLATURE SHALL ENACT LEGISLATION TO IMPLEMENT THIS AMENDMENT TAKING INTO ACCOUNT INTERESTS OF JUSTICE.

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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