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

6326

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed 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 Assembly 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. ANY STATE OFFICER OR LOCAL OFFICER, AS SUCH TERMS ARE DEFINED IN SECTION TWO OF THE PUBLIC OFFICERS LAW, WHO IS CONVICTED OF A FELONY INVOLVING BREACH OF PUBLIC TRUST SHALL, AFTER FINAL APPEAL, BE SUBJECT TO FORFEITURE OF RIGHTS OR PRIVILEGES UNDER A PUBLIC RETIREMENT SYSTEM OR PENSION PLAN IN SUCH MANNER AS MAY BE PROVIDED BY LAW; PROVIDED, HOWEVER, THE PROVISIONS OF THIS SENTENCE SHALL NOT PRECLUDE ANY STATE OR LOCAL OFFICER FROM RECEIVING A REFUND OF ANY CONTRIBUTIONS MADE BY SUCH OFFICER TO A PUBLIC RETIREMENT SYSTEM OR PENSION PLAN.

S 2. Resolved (if the Assembly 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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