

125--A

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sens. HOYLMAN, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to clarifying the identity of courts having jurisdiction relating to a conviction of a felony as grounds for forfeiture of a public officer's New York state pension benefits

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

1     Section 1. This act shall be known and may be cited as the "federal  
2     corruption loophole closure act".  
3     S 2. Subdivision 2 of section 157 of the retirement and social security  
4     law, as added by section 1 of part C of chapter 399 of the laws of  
5     2011, is amended to read as follows:  
6     2. In the case of a public official who stands convicted, by plea of  
7     nolo contendere or plea of guilty to, or by conviction after trial, IN  
8     ANY COURT OF COMPETENT JURISDICTION IN THIS OR ANY OTHER STATE OR IN ANY  
9     FEDERAL COURT OF COMPETENT JURISDICTION, of any crime related to public  
10    office, an action may be commenced in supreme court of the county in  
11    which such public official was convicted of such felony crime, by the  
12    district attorney having jurisdiction over such crime, or by the attorney  
13    general if the attorney general brought the criminal charge which  
14    resulted in such conviction, for an order to reduce or revoke the  
15    pension to which such public official is otherwise entitled for service  
16    as a public official. Such complaint shall specify with particularity  
17    which category of felony pursuant to subdivision one of section one  
18    hundred fifty-six of this article the defendant has committed, and all

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

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1 other facts that are alleged to qualify such crime as a felony crime  
2 related to public office subject to pension reduction or revocation  
3 pursuant to this article, and the amount of pension reduction or revoca-  
4 tion requested. Such action shall be commenced within six months after  
5 such conviction.

6 S 3. Subdivision 2 of section 157 of the retirement and social securi-  
7 ty law, as amended by section 11 of part CC of chapter 56 of the laws of  
8 2015, is amended to read as follows:

9 2. In the case of a public official who stands convicted, by plea of  
10 nolo contendere or plea of guilty to, or by conviction after trial, IN  
11 ANY COURT OF COMPETENT JURISDICTION IN THIS OR ANY OTHER STATE OR IN  
12 FEDERAL COURT OF COMPETENT JURISDICTION, of any crime related to public  
13 office, and has been sentenced, an action may be commenced in supreme  
14 court of the county in which such public official was convicted of such  
15 felony crime, by the district attorney having jurisdiction over such  
16 crime, or by the attorney general if the attorney general brought the  
17 criminal charge which resulted in such conviction, for an order to  
18 reduce or revoke the pension to which such public official is otherwise  
19 entitled for service as a public official. Such complaint shall specify  
20 with particularity which category of felony pursuant to subdivision one  
21 of section one hundred fifty-six of this article the defendant has  
22 committed, and all other facts that are alleged to qualify such crime as  
23 a felony crime related to public office subject to pension reduction or  
24 revocation pursuant to this article, and the amount of pension reduction  
25 or revocation requested. Such action shall be commenced within six  
26 months after such sentencing.

27 S 4. This act shall take effect immediately; provided, that section  
28 three of this act shall take effect on the first of January next  
29 succeeding the date upon which the people shall approve and ratify  
30 amendments to section 7 of article V of the constitution by a majority  
31 of the electors voting thereon relating to the reduction of pension  
32 benefits for public officials convicted of certain felony offenses  
33 related to public office and shall only apply to offenses committed on  
34 or after such first of January.