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

125--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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:

Section 1. This act shall be known and may be cited as the "federal corruption loophole closure act".

S 2. Subdivision 2 of section 157 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

2. In the case of a public official who stands convicted, by plea of nolo contendere or plea of guilty to, or by conviction after trial, IN ANY COURT OF COMPETENT JURISDICTION IN THIS OR ANY OTHER STATE OR IN ANY FEDERAL COURT OF COMPETENT JURISDICTION, of any crime related to public office, an action may be commenced in supreme court of the county in which such public official was convicted of such felony crime, by the district attorney having jurisdiction over such crime, or by the attorney general if the attorney general brought the criminal charge which resulted in such conviction, for an order to reduce or revoke the pension to which such public official is otherwise entitled for service as a public official. Such complaint shall specify with particularity which category of felony pursuant to subdivision one of section one 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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other facts that are alleged to qualify such crime as a felony crime related to public office subject to pension reduction or revocation pursuant to this article, and the amount of pension reduction or revocation requested. Such action shall be commenced within six months after such conviction.

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

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

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