STATE OF NEW YORK

4062

2019-2020 Regular Sessions

IN SENATE

February 26, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to forfeiture of a beneficiary's right to benefits upon conviction of a domestic violence offense

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The retirement and social security law is amended by adding a new section 111-b to read as follows:

§ 111-b. Beneficiary forfeiture. a. A beneficiary convicted of harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, attempted assault, coercion in the third degree as set forth in subdivisions one, two and three of section 135.60 of the penal law, except if such individual would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, where the victim of such crime is the member for which he or she is a beneficiary, shall be subject to forfeiture of any benefits under this article.

b. Notwithstanding subdivision a of this section, a member may reinstate the status of a beneficiary subject to forfeiture under such subdivision by filing a written request to that effect with the state comptroller.

§ 2. This act shall take effect immediately.

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

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