

# STATE OF NEW YORK

6351--C

2021-2022 Regular Sessions

## IN ASSEMBLY

March 16, 2021

Introduced by M. of A. REYES, BUTTENSCHON, FERNANDEZ, THIELE, DICKENS, HUNTER, CRUZ, SIMON, ASHBY, FRONTUS, SCHMITT, MORINELLO, GLICK, J. M. GIGLIO, LAVINE, DARLING, NIOU -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to permitting a retired member to change his or her option election or designate a new beneficiary where the beneficiary has been convicted of a family offense

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

1 Section 1. Section 90 of the retirement and social security law is  
2 amended by adding a new subdivision f to read as follows:

3 f. Beneficiary convicted of a family offense. 1. Notwithstanding any  
4 provision of law to the contrary, a retired member subject to the  
5 provisions of this article shall be permitted to change his or her  
6 option election or designate a new beneficiary where the beneficiary has  
7 been convicted of a family offense as defined in section eight hundred  
8 twelve of the family court act or section 530.11 of the criminal proce-  
9 dure law and the retired member is a complainant.

10 2. A retired member shall have one hundred eighty days from the date  
11 of the beneficiary's conviction to change his or her election or desig-  
12 nate a new beneficiary by submitting a request in writing to the retire-  
13 ment system. Once the retirement system receives such written request

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

LBD00066-08-2

1 the member's beneficiary shall be changed or a new benefit shall be  
2 calculated by the retirement system pursuant to this article.

3 3. The comptroller in consultation with the division of criminal  
4 justice services and the New York state office for the prevention of  
5 domestic violence shall ensure that retired members are provided notice  
6 of the provisions of this subdivision.

7 4. The comptroller is authorized to promulgate rules and regulations  
8 necessary for the implementation of this subdivision.

9 § 2. Section 390 of the retirement and social security law is amended  
10 by adding a new subdivision f to read as follows:

11 f. Beneficiary convicted of a family offense. 1. Notwithstanding any  
12 provision of law to the contrary, a retired member subject to the  
13 provisions of this article shall be permitted to change his or her  
14 option election or designate a new beneficiary where the beneficiary has  
15 been convicted of a family offense as defined in section eight hundred  
16 twelve of the family court act or section 530.11 of the criminal proce-  
17 dure law and the retired member is a complainant.

18 2. A retired member shall have one hundred eighty days from the date  
19 of the beneficiary's conviction to change his or her election or desig-  
20 minate a new beneficiary by submitting a request in writing to the retire-  
21 ment system. Once the retirement system receives such written request  
22 the member's beneficiary shall be changed or a new benefit shall be  
23 calculated by the retirement system pursuant to this article.

24 3. The comptroller in consultation with the division of criminal  
25 justice services and the New York state office for the prevention of  
26 domestic violence shall ensure that retired members are provided notice  
27 of the provisions of this subdivision.

28 4. The comptroller is authorized to promulgate rules and regulations  
29 necessary for the implementation of this subdivision.

30 § 3. Section 513 of the education law is amended by adding a new  
31 subdivision 5 to read as follows:

32 5. Beneficiary convicted of a family offense. a. Notwithstanding any  
33 provision of law to the contrary, a retired member subject to the  
34 provisions of this article shall be permitted to change his or her  
35 option election or designate a new beneficiary where the beneficiary has  
36 been convicted of a family offense as defined in section eight hundred  
37 twelve of the family court act or section 530.11 of the criminal proce-  
38 dure law and the retired member is a complainant.

39 b. A retired member shall have one hundred eighty days from the date  
40 of the beneficiary's conviction to change his or her election or desig-  
41 minate a new beneficiary by submitting a request in writing to the retire-  
42 ment system. Once the retirement system receives such written request  
43 the member's beneficiary shall be changed or a new benefit shall be  
44 calculated by the retirement system pursuant to this article.

45 c. The comptroller in consultation with the division of criminal  
46 justice services and the New York state office for the prevention of  
47 domestic violence shall ensure that retired members are provided notice  
48 of the provisions of this subdivision.

49 d. The comptroller is authorized to promulgate rules and regulations  
50 necessary for the implementation of this subdivision.

51 § 4. The administrative code of the city of New York is amended by  
52 adding a new section 13-177.2 to read as follows:

53 § 13-177.2 Beneficiary convicted of a family offense. a. Notwith-  
54 standing any provision of law to the contrary, a retired member subject  
55 to the provisions of this title shall be permitted to change his or her  
56 option election or designate a new beneficiary where the beneficiary has

1 been convicted of a family offense as defined in section eight hundred  
2 twelve of the family court act or section 530.11 of the criminal proce-  
3 dure law and the retired member is a complainant.

4 b. A retired member shall have one hundred eighty days from the date  
5 of the beneficiary's conviction to change his or her election or desig-  
6 nate a new beneficiary by submitting a request in writing to the retire-  
7 ment system. Once the retirement system receives such written request  
8 the member's beneficiary shall be changed or a new benefit shall be  
9 calculated pursuant to this title.

10 c. The comptroller in consultation with the office of criminal justice  
11 and the New York state office for the prevention of domestic violence  
12 shall ensure that retired members are provided notice of the provisions  
13 of this section.

14 d. The comptroller is authorized to promulgate rules and regulations  
15 necessary for the implementation of this section.

16 § 5. The administrative code of the city of New York is amended by  
17 adding a new section 13-261.4 to read as follows:

18 § 13-261.4 Beneficiary convicted of a family offense. a. Notwith-  
19 standing any provision of law to the contrary, a retired member subject  
20 to the provisions of this title shall be permitted to change his or her  
21 option election or designate a new beneficiary where the beneficiary has  
22 been convicted of a family offense as defined in section eight hundred  
23 twelve of the family court act or section 530.11 of the criminal proce-  
24 dure law and the retired member is a complainant.

25 b. A retired member shall have one hundred eighty days from the date  
26 of the beneficiary's conviction to change his or her election or desig-  
27 nate a new beneficiary by submitting a request in writing to the retire-  
28 ment system. Once the retirement system receives such written request  
29 the member's beneficiary shall be changed or a new benefit shall be  
30 calculated by the retirement system pursuant to this title.

31 c. The comptroller in consultation with the office of criminal justice  
32 and the New York state office for the prevention of domestic violence  
33 shall ensure that retired members are provided notice of the provisions  
34 of this section.

35 d. The comptroller is authorized to promulgate rules and regulations  
36 necessary for the implementation of this section.

37 § 6. The administrative code of the city of New York is amended by  
38 adding a new section 13-369.2 to read as follows:

39 § 13-369.2 Beneficiary convicted of a family offense. a. Notwith-  
40 standing any provision of law to the contrary, a retired member subject  
41 to the provisions of this title shall be permitted to change his or her  
42 option election or designate a new beneficiary where the beneficiary has  
43 been convicted of a family offense as defined in section eight hundred  
44 twelve of the family court act or section 530.11 of the criminal proce-  
45 dure law and the retired member is a complainant.

46 b. A retired member shall have one hundred eighty days from the date  
47 of the beneficiary's conviction to change his or her election or desig-  
48 nate a new beneficiary by submitting a request in writing to the retire-  
49 ment system. Once the retirement system receives such written request  
50 the member's beneficiary shall be changed or a new benefit shall be  
51 calculated by the retirement system pursuant to this title.

52 c. The comptroller in consultation with the office of criminal justice  
53 and the New York state office for the prevention of domestic violence  
54 shall ensure that retired members are provided notice of the provisions  
55 of this section.

1 d. The comptroller is authorized to promulgate rules and regulations  
2 necessary for the implementation of this section.

3 § 7. The administrative code of the city of New York is amended by  
4 adding a new section 13-559.2 to read as follows:

5 § 13-559.2 Beneficiary convicted of a family offense. a. Notwith-  
6 standing any provision of law to the contrary, a retired member subject  
7 to the provisions of this title shall be permitted to change his or her  
8 option election or designate a new beneficiary where the beneficiary has  
9 been convicted of a family offense as defined in section eight hundred  
10 twelve of the family court act or section 530.11 of the criminal proce-  
11 dure law and the retired member is a complainant.

12 b. A retired member shall have one hundred eighty days from the date  
13 of the beneficiary's conviction to change his or her election or desig-  
14 nate a new beneficiary by submitting a request in writing to the retire-  
15 ment system. Once the retirement system receives such written request  
16 the member's beneficiary shall be changed or a new benefit shall be  
17 calculated by the retirement system pursuant to this title.

18 c. The comptroller in consultation with the office of criminal justice  
19 and the New York state office for the prevention of domestic violence  
20 shall ensure that retired members are provided notice of the provisions  
21 of this section.

22 d. The comptroller is authorized to promulgate rules and regulations  
23 necessary for the implementation of this section.

24 § 8. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.