

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.

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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 nate 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 nate 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 minate 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 minate 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 minate 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.