

STATE OF NEW YORK

3991--C

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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
14 the member's beneficiary shall be changed or a new benefit shall be
15 calculated by the retirement system pursuant to this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 § 13-177.2 Beneficiary convicted of a family offense. a. Notwith-
52 standing any provision of law to the contrary, a retired member subject
53 to the provisions of this title shall be permitted to change his or her
54 option election or designate a new beneficiary where the beneficiary has
55 been convicted of a family offense as defined in section eight hundred

1 twelve of the family court act or section 530.11 of the criminal proce-
2 dure law and the retired member is a complainant.

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

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

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

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

17 § 13-261.4 Beneficiary convicted of a family offense. a. Notwith-
18 standing any provision of law to the contrary, a retired member subject
19 to the provisions of this title shall be permitted to change his or her
20 option election or designate a new beneficiary where the beneficiary has
21 been convicted of a family offense as defined in section eight hundred
22 twelve of the family court act or section 530.11 of the criminal proce-
23 dure law and the retired member is a complainant.

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

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

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

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

38 § 13-369.2 Beneficiary convicted of a family offense. a. Notwith-
39 standing any provision of law to the contrary, a retired member subject
40 to the provisions of this title shall be permitted to change his or her
41 option election or designate a new beneficiary where the beneficiary has
42 been convicted of a family offense as defined in section eight hundred
43 twelve of the family court act or section 530.11 of the criminal proce-
44 dure law and the retired member is a complainant.

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

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

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

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

3 § 13-559.2 Beneficiary convicted of a family offense. a. Notwith-
4 standing any provision of law to the contrary, a retired member subject
5 to the provisions of this title 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 b. 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
14 the member's beneficiary shall be changed or a new benefit shall be
15 calculated by the retirement system pursuant to this title.

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

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

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