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:

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

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

2. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be 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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3. The comptroller in consultation with the division of criminal justice services and the New York state office for the prevention of domestic violence shall ensure that retired members are provided notice of the provisions of this subdivision.

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

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

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

2. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated by the retirement system pursuant to this article.

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

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

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

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

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated by the retirement system pursuant to this article.

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

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

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

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

twelve of the family court act or section 530.11 of the criminal procedure law and the retired member is a complainant.

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated pursuant to this title.

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

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

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

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

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated by the retirement system pursuant to this title.

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

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

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

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

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated by the retirement system pursuant to this title.

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

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

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

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

b. A retired member shall have one hundred eighty days from the date of the beneficiary's conviction to change his or her election or designate a new beneficiary by submitting a request in writing to the retirement system. Once the retirement system receives such written request the member's beneficiary shall be changed or a new benefit shall be calculated by the retirement system pursuant to this title.

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

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

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