

# STATE OF NEW YORK

5245

2021-2022 Regular Sessions

## IN SENATE

February 26, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to in-state tuition continuity for spouses and children of active duty service members

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

1 Section 1. Subdivision 8 of section 1 of the military law, as amended  
2 by chapter 112 of the laws of 1989, is amended to read as follows:

3 8. The terms "active military service of the United States" and "in  
4 the armed forces of the United States" shall mean full time duty in the  
5 army, navy (including marine corps), air force (including space force)  
6 or coast guard of the United States.

7 § 2. Section 253 of the military law, as amended by chapter 473 of the  
8 laws of 2009, is amended to read as follows:

9 § 253. Military service by parent; effect on child custody  
10 proceedings; in-state tuition continuity. 1. Notwithstanding any law,  
11 rule or regulation to the contrary, child custody proceedings filed in a  
12 court of competent jurisdiction in this state, involving a parent who is  
13 activated, deployed, or temporarily assigned to military service shall  
14 be governed by subdivision (f) of section six hundred fifty-one of the  
15 family court act, section seventy-five-1 or paragraph (a-2) of subdivi-  
16 sion one of section two hundred forty of the domestic relations law.

17 2. A spouse or child of a member of the active military service of the  
18 United States who has been assigned to duty elsewhere immediately  
19 following assignment to duty in New York shall be deemed to be an  
20 in-state resident for the purposes of determining tuition and fees at  
21 all state institutions of higher learning, and is entitled to pay the  
22 tuition fees and other fees or charges provided for New York residents  
23 as long as the spouse or child resides continuously in New York and  
24 remains enrolled at such institution.

25 § 3. 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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