STATE OF NEW YORK

5499

2021-2022 Regular Sessions

IN SENATE

March 9, 2021

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to allowing retired state police officers to serve as police officers for local police departments without diminution of retirement benefits

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

Section 1. Subparagraph 7 of paragraph (a) of subdivision 2 of section 211 of the retirement and social security law, as amended by chapter 840 of the laws of 1983, is amended and a new subparagraph 8 is added to read as follows:

(7) the chief administrator of the courts if such person is to be employed in a judicial or nonjudicial position in the unified court system[~~.~~]**; or**

(8) the superintendent of state police, if such person is a former state police officer to be employed as a police officer for a local police department.

§ 2. Subparagraph 2 of paragraph (b) of subdivision 2 of section 211 of the retirement and social security law, as amended by chapter 640 of the laws of 2008, is amended to read as follows:

(2) that he or she will earn more than one thousand dollars in one year, including compensation earned in such position under other provisions of this article that there are not readily available for recruitment persons qualified to perform the duties of such position; and [~~(4)~~][~~;~~]

§ 3. Section 211 of the retirement and social security law is amended by adding a new subdivision 9 to read as follows:

9. For purposes of paragraph (b) of subdivision one of this section, a retired person who served as a police officer for the division of state police is not in service of a former employer if such retired person is

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

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serving as a local police officer after retirement from the state police.

§ 4. Section 212 of the retirement and social security law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding the provisions of subdivisions one and two of this section, the superintendent of state police may determine, pursuant to section two hundred eleven of this article, that such earnings limitations shall not apply to a retired state police officer employed by a local police department as a police officer.

§ 5. This act shall take effect immediately.