

# STATE OF NEW YORK

3093

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

Introduced by M. of A. JEAN-PIERRE, BARRETT, BUTTENSCHON, MILLER, HAWLEY, DURSO, STERN, SEAWRIGHT, TAGUE, McDONOUGH, MORINELLO, NORRIS, SANTABARBARA, WALLACE -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the veterans' services law, the military law and the civil rights law, in relation to certificates of honorable separation from or service in the armed forces of the United States

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

1 Section 1. Section 4 of the veterans' services law is amended by  
2 adding a new subdivision 38 to read as follows:

3 38. To receive a certificate of release or discharge from active duty  
4 which was issued by the United States government and delivered to the  
5 department, and shall forward such certificate within sixty days of  
6 receipt to the appropriate local veterans' service agency, based upon  
7 the mailing address after separation noted on such certificate. Such  
8 transmission may be made electronically. Information contained in such  
9 certificates shall be protected as personal confidential information  
10 under article six-A of the public officers law against disclosure of  
11 confidential material, and used only for information and assistance with  
12 regards to state benefits and entitlements under federal and state law.

13 § 2. Section 250 of the military law, as amended by chapter 298 of the  
14 laws of 2005, is amended to read as follows:

15 § 250. Recording certificates of honorable discharge. Any certificate  
16 issued after April sixth, nineteen hundred seventeen, of the honorable  
17 separation from or service in the armed forces of the United States of  
18 any veteran, may be recorded in any one county, in the office of the  
19 county clerk, and when so recorded shall constitute notice to all public  
20 officials of the facts set forth therein. It shall be the duty of the  
21 county clerk to record the certificate upon presentation thereof without  
22 the payment of any fee. For any purpose for which the original certif-

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

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1 icate may be required in the state of New York, a certified copy of the  
2 record shall be deemed sufficient and shall be accepted in lieu thereof.  
3 Notwithstanding any inconsistent provisions of law, it shall be the duty  
4 of the county clerk of each county, to furnish without charge to any  
5 veteran, or parent, spouse, dependent or child of the veteran, a certi-  
6 fied copy of the certificate of the veteran so recorded in the office of  
7 the county clerk. No filed certificate or any information contained  
8 therein, shall be disclosed to any person except the veteran or parent,  
9 spouse, dependent or child of the veteran, representative of the estate  
10 of the deceased veteran, an authorized representative of a funeral firm,  
11 as defined in section thirty-four hundred of the public health law,  
12 which assists with the burial of a veteran, or a public official, acting  
13 within the scope of his or her employment, unless such disclosure is  
14 authorized in writing by the veteran. The provisions of this section  
15 also apply to the counties within the city of New York.

16 § 3. Section 79-g of the civil rights law is amended by adding a new  
17 subdivision c to read as follows:

18 c. Notwithstanding any provision in this section to the contrary, such  
19 certificate shall be made available for public inspection and copying in  
20 accordance with the archival schedule adopted by the national archives  
21 and record administration (NARA) together with the United States depart-  
22 ment of defense (DOD), signed on July eighth, two thousand eight, making  
23 the official military personnel files permanent records of the United  
24 States. Such schedule mandates the legal transfer of such files from DOD  
25 ownership to NARA ownership sixty-two years after the service member's  
26 separation from the military.

27 § 4. This act shall take effect immediately; provided, however, that  
28 section two of this act shall take effect on the one hundred eightieth  
29 day after it shall have become a law. Effective immediately, the addi-  
30 tion, amendment and/or repeal of any rules or regulations necessary for  
31 the implementation of this act on its effective date are authorized to  
32 be made and completed on or before such effective date.