

STATE OF NEW YORK

5629

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. REYES, BUTTENSCHON, THIELE, DICKENS, HUNTER, CRUZ, SIMON, MORINELLO, GLICK, J. M. GIGLIO, LAVINE, DARLING -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Governmental Employees

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.

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.

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

LBD05559-01-3

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

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

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

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

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

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

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

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

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

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

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

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

47 § 13-177.2 Beneficiary convicted of a family offense. a. Notwith-
48 standing any provision of law to the contrary, a retired member subject
49 to the provisions of this title shall be permitted to change his or her
50 option election or designate a new beneficiary where the beneficiary has
51 been convicted of a family offense as defined in section eight hundred
52 twelve of the family court act or section 530.11 of the criminal proce-
53 dure law and the retired member is a complainant.

54 b. A retired member shall have one hundred eighty days from the date
55 of the beneficiary's conviction to change his or her election or desig-
56 nate a new beneficiary by submitting a request in writing to the retire-

1 ment system. Once the retirement system receives such written request
2 the member's beneficiary shall be changed or a new benefit shall be
3 calculated pursuant to this title.

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

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

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

12 § 13-261.4 Beneficiary convicted of a family offense. a. Notwith-
13 standing any provision of law to the contrary, a retired member subject
14 to the provisions of this title shall be permitted to change his or her
15 option election or designate a new beneficiary where the beneficiary has
16 been convicted of a family offense as defined in section eight hundred
17 twelve of the family court act or section 530.11 of the criminal proce-
18 dure law and the retired member is a complainant.

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

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

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

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

33 § 13-369.2 Beneficiary convicted of a family offense. a. Notwith-
34 standing any provision of law to the contrary, a retired member subject
35 to the provisions of this title shall be permitted to change his or her
36 option election or designate a new beneficiary where the beneficiary has
37 been convicted of a family offense as defined in section eight hundred
38 twelve of the family court act or section 530.11 of the criminal proce-
39 dure law and the retired member is a complainant.

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

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

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

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

54 § 13-559.2 Beneficiary convicted of a family offense. a. Notwith-
55 standing any provision of law to the contrary, a retired member subject
56 to the provisions of this title shall be permitted to change his or her

1 option election or designate a new beneficiary where the beneficiary has
2 been convicted of a family offense as defined in section eight hundred
3 twelve of the family court act or section 530.11 of the criminal proce-
4 dure law and the retired member is a complainant.

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

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

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

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