

STATE OF NEW YORK

5131

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sen. WEBB -- 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, 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:

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

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

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

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

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

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

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§ 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

1 the member's beneficiary shall be changed or a new benefit shall be
2 calculated pursuant to this title.

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

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

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

11 § 13-261.4 Beneficiary convicted of a family offense. a. Notwith-
12 standing any provision of law to the contrary, a retired member subject
13 to the provisions of this title shall be permitted to change his or her
14 option election or designate a new beneficiary where the beneficiary has
15 been convicted of a family offense as defined in section eight hundred
16 twelve of the family court act or section 530.11 of the criminal proce-
17 dure law and the retired member is a complainant.

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

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

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

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

32 § 13-369.2 Beneficiary convicted of a family offense. a. Notwith-
33 standing any provision of law to the contrary, a retired member subject
34 to the provisions of this title shall be permitted to change his or her
35 option election or designate a new beneficiary where the beneficiary has
36 been convicted of a family offense as defined in section eight hundred
37 twelve of the family court act or section 530.11 of the criminal proce-
38 dure law and the retired member is a complainant.

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

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

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

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

53 § 13-559.2 Beneficiary convicted of a family offense. a. Notwith-
54 standing any provision of law to the contrary, a retired member subject
55 to the provisions of this title shall be permitted to change his or her
56 option election or designate a new beneficiary where the beneficiary has

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

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

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

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

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