STATE OF NEW YORK

5416

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sen. SCARCELLA-SPANTON -- 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 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:

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

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

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

§ 250. Recording certificates of honorable discharge. Any certificate issued after April sixth, nineteen hundred seventeen, of the honorable separation from or service in the armed forces of the United States of any veteran, may be recorded in any one county, in the office of the county clerk, and when so recorded shall constitute notice to all public officials of the facts set forth therein. It shall be the duty of the county clerk to record the certificate upon presentation thereof without the payment of any fee. For any purpose for which the original certificate may be required in the state of New York, a certified copy of the

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

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

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

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

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