

# 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.