

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, Home-
land 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 Assem-
bly, 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-
23 icate 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.

LBD02904-01-3

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

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

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

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