

# STATE OF NEW YORK

5398

2025-2026 Regular Sessions

## IN SENATE

February 21, 2025

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 retirement and social security law, in relation to  
military service credit

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 1000 of the retirement and social  
2 security law, as amended by chapter 585 of the laws of 2022, is amended  
3 to read as follows:  
4 1. A member, upon application to such retirement system, may obtain a  
5 total not to exceed three years of service credit for up to three years  
6 of military duty, as defined in section two hundred forty-three of the  
7 military law, if the member (a) was honorably discharged from the mili-  
8 tary, or (b) has a qualifying condition, as defined in section [~~three~~  
9 ~~hundred fifty of the executive~~] one of the veterans' services law, and  
10 has received a discharge other than bad conduct or dishonorable from  
11 such service, or (c) is a discharged LGBT veteran, as defined in section  
12 [~~three hundred fifty of the executive~~] one of the veterans' services  
13 law, and has received a discharge other than bad conduct or dishonorable  
14 from such service. For purposes of this subdivision, military duty  
15 shall also include New York state active duty service performed under  
16 the authority of the governor of New York state.  
17 § 2. This act shall take effect immediately.

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

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