

STATE OF NEW YORK

5223

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. REYES, BUTTENSCHON, HUNTER, CRUZ, SIMON, MORINELLO, GLICK, GIGLIO, LAVINE, HEVESI, ALVAREZ, ROSENTHAL, RAGA, ZINERMAN, LEVENBERG -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Governmental Employees

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 their 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 such member's
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 such member's election or
12 designate a new beneficiary by submitting a request in writing to the
13 retirement system. Once the retirement system receives such written
14 request the member's beneficiary shall be changed or a new benefit shall
15 be 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.

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

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

3 § 2. Section 390 of the retirement and social security law is amended
4 by adding a new subdivision f to read as follows:

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

12 2. A retired member shall have one hundred eighty days from the date
13 of the beneficiary's conviction to change such member's election or
14 designate a new beneficiary by submitting a request in writing to the
15 retirement system. Once the retirement system receives such written
16 request the member's beneficiary shall be changed or a new benefit shall
17 be calculated by the retirement system pursuant to this article.

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

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

24 § 3. Section 513 of the education law is amended by adding a new
25 subdivision 5 to read as follows:

26 5. Beneficiary convicted of a family offense. a. Notwithstanding any
27 provision of law to the contrary, a retired member subject to the
28 provisions of this article shall be permitted to change such member's
29 option election or designate a new beneficiary where the beneficiary has
30 been convicted of a family offense as defined in section eight hundred
31 twelve of the family court act or section 530.11 of the criminal proce-
32 dure law and the retired member is a complainant.

33 b. A retired member shall have one hundred eighty days from the date
34 of the beneficiary's conviction to change such member's election or
35 designate a new beneficiary by submitting a request in writing to the
36 retirement system. Once the retirement system receives such written
37 request the member's beneficiary shall be changed or a new benefit shall
38 be calculated by the retirement system pursuant to this article.

39 c. The comptroller in consultation with the division of criminal
40 justice services and the New York state office for the prevention of
41 domestic violence shall ensure that retired members are provided notice
42 of the provisions of this subdivision.

43 d. The comptroller is authorized to promulgate rules and regulations
44 necessary for the implementation of this subdivision.

45 § 4. The administrative code of the city of New York is amended by
46 adding a new section 13-177.2 to read as follows:

47 § 13-177.2 Beneficiary convicted of a family offense. a. Notwith-
48 standing any provision of law to the contrary, a retired member subject
49 to the provisions of this title shall be permitted to change such
50 member's option election or designate a new beneficiary where the bene-
51 ficiary has been convicted of a family offense as defined in section
52 eight hundred twelve of the family court act or section 530.11 of the
53 criminal procedure law and the retired member is a complainant.

54 b. A retired member shall have one hundred eighty days from the date
55 of the beneficiary's conviction to change such member's election or
56 designate a new beneficiary by submitting a request in writing to the

1 retirement system. Once the retirement system receives such written
2 request the member's beneficiary shall be changed or a new benefit shall
3 be calculated pursuant to this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

54 § 13-559.2 Beneficiary convicted of a family offense. a. Notwith-
55 standing any provision of law to the contrary, a retired member subject
56 to the provisions of this title shall be permitted to change such

1 member's option election or designate a new beneficiary where the bene-
2 ficiary has been convicted of a family offense as defined in section
3 eight hundred twelve of the family court act or section 530.11 of the
4 criminal procedure law and the retired member is a complainant.

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

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

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

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