

STATE OF NEW YORK

7425

2025-2026 Regular Sessions

IN ASSEMBLY

March 26, 2025

Introduced by M. of A. GIBBS -- read once and referred to the Committee on Governmental Employees

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 5 of the constitution, in relation to reducing a correction officer's pension to satisfy certain judgments

Section 1. Resolved (if the Senate concur), That section 7 of article 5 of the constitution be amended by adding a new subdivision (e) to read as follows:

(e) (i) Notwithstanding subdivision (a) of this section, the public pension of a correction officer, as defined in paragraph (ii) of this subdivision, who is found liable for the death or hospitalization of an incarcerated individual, may be reduced to no less than twenty thousand dollars to satisfy any judgment against such correction officer prior to the payment of any public funds, following notice and a hearing by an appropriate court, as provided by law. The court determination whether to reduce such pension shall be based on the consideration of factors including the severity of such correction officer's actions and the proportionality of a reduction of such pension to such actions. When a court issues an order to reduce such pension, the court shall consider and determine specific findings as to the amount of such reduction, if any, and whether the reduction would result in undue hardship or other inequity upon any dependent children, spouse or other dependents; and other factors as provided by law. The legislature shall enact legislation to implement this amendment.

(ii) For the purposes of paragraph (i) of this subdivision, the term "correction officer" shall mean a person employed by the state or a political subdivision thereof and is charged with the duty of maintaining the custody and supervision of persons detained or confined in a state or local correctional facility.

(iii) Paragraph (i) of this subdivision shall only apply to actions filed on or after the first of January next succeeding the date upon

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

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1 which the people shall approve and ratify the amendment to the constitu-
2 tion that added this subdivision.

3 § 2. Resolved (if the Senate concur), That the foregoing amendment be
4 referred to the first regular legislative session convening after the
5 next succeeding general election of members of the assembly, and, in
6 conformity with section 1 of article 19 of the constitution, be
7 published for 3 months previous to the time of such election.