STATE OF NEW YORK

5398--A

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, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

Section 1. Subdivision 1 of section 1000 of the retirement and social security law, as amended by chapter 585 of the laws of 2022, is amended to read as follows:

1. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if the member (a) was honorably discharged from the military, or (b) has a qualifying condition, as defined in section [~~three hundred fifty of the executive~~] one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty of the executive~~] one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service. For purposes of this subdivision, military duty shall also include active duty in the military service of the state pursuant to an order of the governor issued pursuant to section six or seven of the military law, and state active duty by members of the national guard who are activated pursuant to a call of the governor of this state as provided for by law.

§ 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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