STATE OF NEW YORK

8159

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the disability retirement for safety and security officers

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

Section 1. Section 607-a of the retirement and social security law, as added by chapter 722 of the laws of 1996, subdivision b as amended by chapter 322 of the laws of 2021, and subdivision c as added by chapter 653 of the laws of 1999, is amended to read as follows:

§ 607-a. Performance of duty disability retirement. a. Any security hospital treatment assistant, as that term is defined in subdivision i of section eighty-nine of this chapter, **or any qualifying member, as such term is defined in paragraph one of subdivision a of section eighty-nine-t of this chapter, as amended by chapter four hundred seventy-six of the laws of two thousand eighteen,** who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result, of an injury, sustained in the performance or discharge of [~~his or her~~] **their** duties by, or as the natural and proximate result of, an act of any person confined in an institution under the jurisdiction of the office of mental health, or by any person who has been committed to such institution by any court shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.

b. Notwithstanding any provision of this chapter or of any general or special law to the contrary, a member covered by this section who contracts HIV (where there may have been an exposure to a bodily fluid of an incarcerated individual or a person described in subdivision a of this section as a natural and proximate result of an act of any incarcerated individual or person described in such subdivision a that may

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

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have involved transmission of a specified transmissible disease from an incarcerated individual or such person described in such subdivision a to the retirement system member), tuberculosis or hepatitis will be presumed to have contracted such disease in the performance or discharge of [~~his or her~~] **their** duties, and will be presumed to be disabled from the performance of [~~his or her~~] **their** duties, unless the contrary be proved by competent evidence.

c. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a member covered by this section, presently employed and who shall have sustained such disability while so employed, who successfully passed a physical examination on entry into service as a security hospital treatment assistant **or a qualifying member as set forth in this section**, which examination failed to disclose evidence of any disease or other impairment of the heart, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

§ 2. This act shall take effect immediately.