

2015-16 NEW YORK STATE EXECUTIVE BUDGET

**PENSION FORFEITURE
CONCURRENT RESOLUTION**

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT proposing an amendment to section 7 of article 5 of the constitution, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment

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

1 Section 1. Resolved (if the concur), That section 7 of article
2 5 of the constitution be amended to read as follows:

3 § 7. After July first, nineteen hundred forty, membership in any
4 pension or retirement system of the state or of a civil division thereof
5 shall be a contractual relationship, the benefits of which shall not be
6 diminished or impaired. A public official who is a member of a pension
7 or retirement system who is convicted of a crime related to public
8 office shall be deemed to have wilfully breached such contractual
9 relationship regardless of when such relationship was established. As a
10 result of such breach, all benefits, rights and privileges he or she may
11 have under such pension or retirement system regardless of when such
12 rights or privileges accrued or vested, shall be subject to forfeiture
13 as may be provided by law. Such law shall be enacted as necessary to
14 fully implement this amendment.

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