

7771

I N S E N A T E

June 18, 2012

Introduced by Sen. STOROBIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to making certain crimes of murder in the second degree and aggravated murder punishable by death

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 60.06 of the penal law, as amended by chapter 482
2 of the laws of 2009, is amended to read as follows:
3 S 60.06 Authorized disposition; murder in the first degree offenders;
4 aggravated murder offenders; certain murder in the second
5 degree offenders; certain terrorism offenders; criminal
6 possession of a chemical weapon or biological weapon offen-
7 ders; criminal use of a chemical weapon or biological weapon
8 offenders.
9 When a defendant is convicted of murder in the first degree as defined
10 in section 125.27 of this chapter, MURDER IN THE SECOND DEGREE AS
11 DEFINED IN SUBDIVISION FIVE OF SECTION 125.25 OF THIS CHAPTER OR AGGRA-
12 VATED MURDER AS DEFINED IN SUBDIVISION TWO OF SECTION 125.26 OF THIS
13 CHAPTER, the court shall, in accordance with the provisions of section
14 400.27 of the criminal procedure law, sentence the defendant to death,
15 to life imprisonment without parole in accordance with subdivision five
16 of section 70.00 of this title, or to a term of imprisonment for a class
17 A-I felony other than a sentence of life imprisonment without parole, in
18 accordance with subdivisions one through three of section 70.00 of this
19 title. When a person is convicted of [murder in the second degree as
20 defined in subdivision five of section 125.25 of this chapter or of] the
21 crime of aggravated murder as defined in subdivision one of section
22 125.26 of this chapter, the court shall sentence the defendant to life
23 imprisonment without parole in accordance with subdivision five of
24 section 70.00 of this title. When a defendant is convicted of the crime
25 of terrorism as defined in section 490.25 of this chapter, and the spec-
26 ified offense the defendant committed is a class A-I felony offense, or
27 when a defendant is convicted of the crime of criminal possession of a
28 chemical weapon or biological weapon in the first degree as defined in

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

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1 section 490.45 of this chapter, or when a defendant is convicted of the
2 crime of criminal use of a chemical weapon or biological weapon in the
3 first degree as defined in section 490.55 of this chapter, the court
4 shall sentence the defendant to life imprisonment without parole in
5 accordance with subdivision five of section 70.00 of this title;
6 provided, however, that nothing in this section shall preclude or
7 prevent a sentence of death when the defendant is also convicted of
8 murder in the first degree as defined in section 125.27 of this chapter.
9 [When a defendant is convicted of aggravated murder as defined in subdi-
10 vision two of section 125.26 of this chapter, the court shall sentence
11 the defendant to life imprisonment without parole or to a term of impri-
12 sonment for a class A-I felony other than a sentence of life imprison-
13 ment without parole, in accordance with subdivisions one through three
14 of section 70.00 of this title.]
15 S 2. This act shall take effect immediately and shall apply to
16 offenses committed on or after such effective date.