

STATE OF NEW YORK

8664

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. LAWLER -- read once and referred to the Committee on Codes

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 4 of article 4 of the constitution, in relation to prohibiting persons convicted of murder or sentenced to life without parole from being eligible for commutation of sentence

1 Section 1. Resolved, (if the Senate concur), That section 4 of arti-
2 cle 4 of the constitution be amended to read as follows:

3 § 4. The governor shall have the power to grant reprieves, commu-
4 tations and pardons after conviction, for all offenses except treason,
5 murder, crimes where the defendant is sentenced to life imprisonment
6 without parole, or where the defendant acting either alone or with one
7 or more other persons, commits or attempts to commit robbery, burglary,
8 kidnapping, arson, rape in the first degree, criminal sexual act in the
9 first degree, sexual abuse in the first degree, aggravated sexual abuse,
10 escape in the first degree, or escape in the second degree, and, in the
11 course of and in furtherance of such crime or of immediate flight there-
12 from, he or she, or another participant, if there be any, intentionally
13 causes the death of: a police officer as defined in subdivision thirty-
14 four of section 1.20 of the criminal procedure law; a peace officer as
15 defined in paragraph a of subdivision twenty-one, subdivision twenty-
16 three, twenty-four or sixty-two (employees of the division for youth) of
17 section 2.10 of the criminal procedure law; a firefighter, emergency
18 medical technician, ambulance driver, paramedic, physician or registered
19 nurse involved in a first response team, or any other individual who, in
20 the course of official duties, performs emergency response; or an
21 employee of a state correctional institution or was an employee of a
22 local correctional facility as defined in subdivision two of section
23 forty of the correction law, when such person was engaged in the course
24 of performing their official duties, and cases of impeachment, upon such
25 conditions and with such restrictions and limitations, as he or she may
26 think proper, subject to such regulations as may be provided by law
27 relative to the manner of applying for pardons. Upon conviction for
28 treason, the governor shall have power to suspend the execution of the
29 sentence, until the case shall be reported to the legislature at its

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

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1 next meeting, when the legislature shall either pardon, or commute the
2 sentence, direct the execution of the sentence, or grant a further
3 reprieve. The governor shall annually communicate to the legislature
4 each case of reprieve, commutation or pardon granted, stating the name
5 of the convict, the crime of which the convict was convicted, the
6 sentence and its date, and the date of the commutation, pardon or
7 reprieve.

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