STATE OF NEW YORK

4642

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

Introduced by M. of A. MCGOWAN -- 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

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

§ 4. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, murder, crimes where the defendant is sentenced to life imprisonment without parole, or where the defendant acting either alone or with one or more other persons, commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he or she, or another participant, if there be any, intentionally causes the death of: a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law; a peace officer as defined in paragraph a of subdivision twenty-one, subdivision twenty-three, twenty-four or sixty-two (employees of the division for youth) of section 2.10 of the criminal procedure law; a firefighter, emergency medical technician, ambulance driver, paramedic, physician or registered nurse involved in a first response team, or any other individual who, in the course of official duties, performs emergency response; or an employee of a state correctional institution or was an employee of a local correctional facility as defined in subdivision two of section forty of the correction law, when such person was engaged in the course of performing their official duties, and cases of impeachment, upon such conditions and with such restrictions and limitations, as he or she may think proper, subject to such regulations as may be provided by law

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

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relative to the manner of applying for pardons. Upon conviction for treason, the governor shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. The governor shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which the convict was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

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