

STATE OF NEW YORK

109

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, OBERACKER, PALUMBO, RHOADS --
read twice and ordered printed, and when printed to be committed to
the Committee on Judiciary

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 Assembly 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, such defendant, or another participant, if there be any, inten-
13 tionally causes the death of: a police officer as defined in subdivision
14 thirty-four of section 1.20 of the criminal procedure law; a peace offi-
15 cer as defined in paragraph a of subdivision twenty-one, subdivision
16 twenty-three, twenty-four or sixty-two (employees of the division for
17 youth) of section 2.10 of the criminal procedure law; a firefighter,
18 emergency medical technician, ambulance driver, paramedic, physician or
19 registered nurse involved in a first response team, or any other indi-
20 vidual who, in the course of official duties, performs emergency
21 response; or an employee of a state correctional institution or was an
22 employee of a local correctional facility as defined in subdivision two
23 of section forty of the correction law, when such person was engaged in
24 the course of performing their official duties, and cases of impeach-

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

LBD89007-01-5

1 ment, upon such conditions and with such restrictions and limitations,
2 as [~~he or she~~] **such defendant** may think proper, subject to such regu-
3 lations as may be provided by law relative to the manner of applying for
4 pardons. Upon conviction for treason, the governor shall have power to
5 suspend the execution of the sentence, until the case shall be reported
6 to the legislature at its next meeting, when the legislature shall
7 either pardon, or commute the sentence, direct the execution of the
8 sentence, or grant a further reprieve. The governor shall annually
9 communicate to the legislature each case of reprieve, commutation or
10 pardon granted, stating the name of the convict, the crime of which the
11 convict was convicted, the sentence and its date, and the date of the
12 commutation, pardon or reprieve.

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