



NEW YORK STATE SENATOR

William Larkin

Senate Passes Death Penalty Legislation

[WILLIAM J. LARKIN JR.](#) March 8, 2005

Senator Bill Larkin (R-C, Cornwall-on-Hudson) announced the New York State Senate today passed a bill (S.4632) that would amend the state's death penalty law to fix a provision that was ruled invalid by the state Court of Appeals.

"To our dismay, the New York State Court of Appeals decided that portions of our capital punishment statute need even more protections for defendants," said Senator Larkin. "We in the State Senate disagree. And so do the majority of New Yorkers. This bill will therefore reactivate the death penalty as an option for prosecutors to use on the most reprehensible criminals in society."

According to a 2003 study by Emory University in Atlanta, each execution deters an average of eighteen murders. A 2006 study by the University of Houston showed that a moratorium on executions in the state of Illinois in 2000 led to 150 additional homicides over the following four years.

In 2004, the Court of Appeals overturned death penalty sentences in New York State, saying that judges were improperly required to instruct jurors in capital cases that if they deadlocked and failed to reach a verdict during the penalty phase of a trial, the judge would impose a sentence that would leave the defendant eligible for parole after 20 to 25 years.

The bill would require that in addition to capital punishment or life in prison without parole, juries would be given a third option of imposing a sentence of life in prison with the possibility of parole when sentencing convicted murderers.

Also, the bill requires that, if a jury is deadlocked, a sentence of life without parole would be imposed, and juries would be told of that provision before sentencing. All pending capital cases, as well as crimes committed prior to the effective date of any change in the law, would be affected by the changes included in this bill.

Last month, the Senate passed legislation (S.319), cosponsored by Senator Larkin that would establish the death penalty for the murder of a police officer, peace officer, or correctional officer.

The bill was sent to the Assembly.