

NEW YORK

STATISTICAL INFORMATION

Current Governor: George E. Pataki
Term of Office: Jan. 2003 - Jan 2007

Legislative Term: Jan. - June

Total Inmate Pop.
(As of 12/31/00): 71,691 **White: 16%** **Black: 51%** **Latino/a: 32%** **Other: 1%**

Death Row Pop.
(As of 3/15/04): 5 **White: 2** **Black: 2** **Latino/a: 1** **Other: 0**

EXECUTIONS:
Since 1976: 0 **White: 0** **Black: 0** **Latino/a: 0** **Other: 0**
(As of 3/15/04)

Carried out in 2003: 0

Carried out in 2004: 0

Scheduled for 2004: 0
(As of 8/19/04)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004
(does not include those executed by the state or those who died of natural causes) :

Total Number: 3

Sentence/Conviction
overturned (minus
exoneration): 3

Sentence reduced: 0

Exoneration: 0

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes
Minimum age to receive death penalty: 18

Prohibits the Execution of mentally retarded offenders: yes

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: None.

Previous Years: 2003: One bill introduced would establish a statewide registry for death penalty objectors which would allow people to be included on such registry to notify the commissioner of the division of criminal justice services; further provides that the governmental prosecuting authority shall check the registry prior to charging a defendant with the death (SB687). Another bill introduced eliminates the imposition of the death penalty for conviction of murder in the first degree (AB2306). Another bill introduced suspends a warrant for execution of a death sentence for a period of seven years, commencing on the date of such warrant (SB3071). Another bill introduced enacts the Death Penalty Moratorium Act of 2003; suspends provisions of law relating to a warrant for execution of a death penalty sentence until November 1, 2013 or until the repeal of the death penalty, whichever is sooner; establishes the commission on the death penalty moratorium (SB3072). **2001-02 :** One bill introduced would eliminate the imposition of the death penalty for conviction of murder in the first degree (A6215); One bill introduced would suspended, for a seven-year period, warrants issued for execution of death sentences (S2582).

Capital Offenses: Current: **2004:** One bill failed that would have created the crime of biological terrorism; requires that person convicted of biological terrorism shall be sentenced to life in prison without parole or to death even if the biological terrorism does not cause the death of another person (SB3155)

Previous Years: None.

**Aggravating and
Mitigating
Circumstances:**

Current:

Previous Years: None.

**DNA Testing and
Preservation of
Material Evidence:**

Current: 2004: One bill failed that had one key provision of this bill (which includes several amendments to the criminal code) is the requirement that in order to have DNA testing on specified evidence to vacate a conviction, a defendant must, in addition to satisfying existing conditions for granting the request, demonstrate that the results of DNA testing of such evidence could not have been produced at the time of the trial even with due diligence (A9356). One bill introduced requires the commission on forensic science to establish a mandatory course of instruction for persons engaged in the storage of forensic DNA evidence (SB6480).

Previous Years: 2003: One bill failed sine die that would have provided for the preservation of forensic DNA evidence for a minimum period of ten years after such evidence was used in a criminal investigation and conviction (AB1820)

**Crime Labs and
Medical Examiner
Offices:**

Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training, and
Competency:**

Current: None.

Previous Years: None.

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: None.

Previous Years: 2003: One bill failed that would have establishes a statewide registry for death penalty objectors which allows persons, eighteen years of age or older, to be included on such registry to notify the comissioner of the division of criminal justice services; further provides that the governmental prosecuting authority shall check the registry prior to charging a defendant with the death penalty (SB687)

**Mental Retardation,
Mental Disability and
Mental Competency:**

Current: None.

Previous Years: 2003: One bill failed that would have replaced the plea of not responsible by reason of mental disease or defect with a plea of guilty but mentally ill; a mentally ill person may not be subjected to the death penalty (AB6115).

Special Notes-

**Consultation of
Registry of Death
Penalty Opponents
Prior to Filing Notice
of Intent:**

Current: 2004: Establishes a statewide registry for death penalty objectors which allows persons, eighteen years of age or older, to be included on such registry to notify the commissioner of the division of criminal justice services; further provides that the governmental prosecuting authority shall check the registry prior to charging a defendant with the death penalty (SB687).

Special Notes-

**Suspension of
Execution Warrant:**

Current: 2004: Suspends a warrant for execution of a death sentence for a period of seven years, commencing on the date of such warrant (SB3071).

**LOCAL GOVERNMENTS AND BAR ASSOCIATIONS THAT HAVE PASSED
MORATORIUM RESOLUTIONS**

New York County Lawyers' Association, Criminal Justice Section September 26, 2000

New York State Defenders Association

New York State Bar Association, March 31, 2001

Monroe County Bar Association

Mount Vernon City Council, December 12, 2001

City of Albany

City of Buffalo

Town of Greenburgh

City of Rochester

New Castle

New York City

Village of New Paltz

City of Syracuse

****Last Updated on September 15, 2004**