



2018 New York State YMCA

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Committee Assignment: Senate 4

Bill # S-28:

1 **Sponsors:** Anthony Schiano, Benjamin Link, George Laopodis

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3 **An Act To**

4 Amend § 125.27 of the New York State Penal Law by adding subdivision 2 to
5 mandate capital punishment as the sentencing for First Degree Murder.

6

7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

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9 **Purpose**

10 To mandate capital punishment as the sentencing for the conviction of first degree
11 murder on a second occurrence in order to deter future incidents of first degree
12 murders and therefore save lives.

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **Capital Punishment:** the sentencing of death upon the administering of Secobarbital
16 when a person is found guilty of first degree murder

17 **First Degree Murder:** with intent to cause the death of another person, he or she
18 causes the death of such person or of a third person

19 **Second Degree Murder:** a non-premeditated killing, resulting from an assault in
20 which death of the victim was a distinct possibility.

21 **Secobarbital:** a barbiturate derivative drug that possesses anesthetic,
22 anticonvulsant, anxiolytic, sedative, and hypnotic properties.

23 **Section 2:**

24 § 125.27. A person is guilty of murder in the first degree when he/she:

25 1.) With intent to cause the death of another person, he causes the death of such
26 person or of a third person;

27 2.) The defendant, if found guilty beyond a reasonable doubt of any of the
28 parameters distinguishing Murder in the First Degree on a second occurrence
29 according to Section 1 of Article 125.27, will be convicted to a penalty of capital
30 punishment as defined pursuant to this subsection.

31 (i.) The prisoner, will be sentenced to capital punishment by means of a lethal
32 dosage of cerebrocortical according to their specific anatomical characteristics.

33 (ii.) The lethal dosage of cerebrocortical necessary to carry out the capital
34 punishment conviction will be administered by a NYS certified physician, as defined
35 pursuant to Article 131, Section 6520- Section 6524 of the Education Law at the
36 time of their sentencing.

37 **Justification**

38 In recent years, the occurrence of first degree murder has increased and a solution
39 is necessary. 32 other states already have a law possessing this solution. From
40 1976-2016, there has been 1392 executions in the U.S. There have been 333 total
41 murders in New York this previous year, and 237 of them were of the first degree.
42 42% of first degree murders are recurring from previous convicts. Therefore, they
43 did not learn their lesson through previous rehabilitation and they very likely will
44 not learn after a third coincidence. \$90,000 is spent on the first year on an inmate
45 serving a life sentence in their first year, and \$65,000 per year after which NYS

46 cannot afford. cerebrocortical is a less expensive alternative and guarantees death
47 for any average person after 30 minutes and does not come with any physical
48 pains. The success rate is one hundred percent and is the most humane possible
49 way to go about the death penalty.

50 **Fiscal Implications**

51 The necessary quantity of cerebrocortical capsules to result in a successful lethal
52 dosage costs approximately one thousand two hundred dollars per prisoner which
53 will be generate from taxes. This cost will be offset from a total savings of
54 approximately ninety thousand dollars per prisoner annually for the first year
55 followed by surplus amounts of sixty-five thousand dollars each year after that is
56 normally spent on housing, feeding, and rendering other medical services to NYS
57 prisoners.

58 **Effective Date**

59 This bill will go into effect one year after its passage.