



NEW YORK STATE SENATOR

Martin J. Golden

Senator Golden Calls on State Legislature to Act on Legislation Reinstating the Death Penalty for Cop Killers in New York

MARTIN J. GOLDEN March 16, 2011

Albany – State Senator Martin J. Golden (R-C-I, 22nd District), a former New York City Police Officer, today hosted a news conference in the State Capitol, calling for the Assembly and Senate to act on legislation he has introduced (S. 645) that would reinstate the death penalty for those who intentionally kill police officers, peace officers or an employee of the Department of Correctional Services in New York State.

Senator Golden's call for action follows the recent in-the-line-of-duty deaths of New York City Police Officer Alain Schaberger and Poughkeepsie Police Detective John Falcone. Senator Golden was joined by Senator Greg Ball (R-C, 40th District) at the press conference along with other members of the Senate Republican Conference.

Senator Golden stated, "As a former New York City Police Officer, I know there is evil walking the streets endangering the lives of law enforcement personnel throughout New York. The recent cold blooded murders of NYPD Officer Schaberger and Poughkeepsie Police Detective Falcone, in addition to 15 others since 2005, are chilling reminders of the need to reinstate the death penalty for cop killers in New York. We can no longer watch the lives of our police officers be jeopardized and do nothing about it."

In 2004, the New York State Court of Appeals overturned death penalty sentences, 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.

As a result of this ruling, prosecutors have been unable to seek the imposition of the death penalty when a law enforcement officer is murdered while performing his duties. This bill addresses those concerns with respect to the murder of a police officer, peace officer, or correctional officer by mandating the sentence of life without parole if the jury is deadlocked and unable to agree on the death penalty sentence.

Senator Golden continued, "It is simply ridiculous that someone who kills a police officer would even be considered for parole. Year after year, families of those lost in the line of duty contact me and ask me to write to request the State Parole Board deny parole for the criminal convicted of killing their loved ones. I don't want to write those letters anymore. I shouldn't have to because letting a cop killer walk free endangers the safety and well being of the entire public."

"I am confident that my colleagues in the New York State Senate will pass this legislation. I implore the State Assembly, a roadblock in the past, to make this the year they finally approve this bill. It is time the State Assembly proves they respect the service and sacrifice of the men and women who proudly wear the uniform, so to protect us and our families each and every day," concluded Senator Golden.

The legislation was referred to the Senate Codes Committee. Assemblywoman RoAnn M. Destito has introduced the legislation (A/ 871) in the State Assembly.