

## PRESS RELEASE

### GOVERNOR PATERSON AND LEGISLATIVE LEADERS ANNOUNCE PASSAGE OF KEY LEGISLATION

#### *Governor's Program Bill Closes Loophole in Sentencing Laws*

Governor David A. Paterson and Legislative Leaders announced the passage a Governor's program bill that closes a loophole in sentencing laws that allowed some violent criminals to become eligible for parole and medical parole earlier than intended. The bill was passed in the extraordinary session that Governor Paterson called to address both the current-year deficit and additional legislation that was not finished at the end of session last June. Governor Paterson said: "We have also succeeded in closing a sentencing loophole that has allowed some violent felons to receive credit for prior unfinished terms," the Governor continued. "This legislation will assure that those convicted will serve out the sentence intended by the court and also give peace-of-mind to the victims, their families, and our communities."

Program bill no. 200 (S.66005/A.40005) requires all A-I felons and second child sexual assault offenders to serve their sentences consecutively to any time still to be served on a previous sentence. In addition, the legislation ensures that all inmates required to serve half of their sentence in order to be considered for medical parole in fact do serve half of their court-imposed sentences.

The penal law requires virtually every repeat felony offender to serve a new State sentence consecutively to any remaining time on a previously imposed State sentence. No credit on the new sentence is received for time previously served. However, murderers, other A-1 felons, and second child sexual assault felony offenders were inadvertently omitted from this presumption. Under current law, if an inmate is paroled after serving 10 years on a prior sentence, and commits murder two while on parole, leading to a new 20-year-to-life sentence, he or she will receive 10 years of credit toward the minimum period of the murder sentence if the court imposes the sentence concurrently or is silent. The inmate will serve only 10 years before becoming eligible for parole. Instead of becoming eligible for medical parole only after serving 10 years, or one-half the minimum sentence imposed by the court, the inmate will become eligible for medical parole immediately.

**Warren County District Attorney Kate Hogan, President of the District Attorneys' Association of New York State, said:** "This legislation addresses a technicality in the law that

allowed some of our most violent criminals out of prison before completing the sentence the Court intended. Through the efforts of the Governor's office, the Legislature, the DAs Association and Parents of Murdered Children that loophole has been closed, and the most violent offenders will serve the full sentence the court imposed. The days of unintended and unjust leniency for defendants are over.”

Janice Grieshaber Geddes, whose daughter Jenna Grieshaber was murdered by a felon who had been released from prison early, said: “I am grateful not only for the positive action but for the speed with which it was taken. Lives are saved and communities protected when politics don't interfere with common sense.”

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