

## CHAPTER 1204

AN ACT to amend the education law, in relation to silent meditation by public school teachers with the participation of all pupils

Became a law July 6, 1971, with the approval of the Governor. Passed by a majority vote, three-fifths being present

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

Section 1. The education law is hereby amended by adding thereto a new section, to be section thirty hundred twenty-nine-a, to read as follows:

§ 3029-a. *Silent meditation in public schools.* 1. In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of education by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent meditation with the participation of all the pupils therein assembled.

2. The silent meditation authorized by subsection one of this act is not intended to be, and shall not be conducted as, a religious service or exercise, but may be considered as an opportunity for silent meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day. As used in subdivision one of this section the term "participation" shall be construed to permit seated participation and not to require any pupil to stand.

§ 2. This act shall take effect ninety days after it shall have become a law.

## CHAPTER 1205

AN ACT to amend the penal law, with respect to sentence for murder

Became a law July 6, 1971, with the approval of the Governor. Passed by a majority vote, three-fifths being present

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

Section 1. Section 125.30 of the penal law, as amended by chapter nine hundred forty-nine of the laws of nineteen hundred sixty-eight, is hereby amended to read as follows:

§ 125.30 Murder; sentence.

1. When a defendant has been convicted by a jury verdict of murder as defined in subdivision one or three of section 125.25 the court shall, as promptly as practicable, conduct a further proceeding, pursuant to section 125.35, in order to determine whether the defendant shall be sentenced to death in lieu of being sentenced to the term of imprisonment for a class A felony prescribed in section 70.00, if it is satisfied that:

(a) Either:

(i) the victim of the crime was a peace officer who was killed in the course of performing his official duties, or

(ii) the victim was an employee of a local jail, penitentiary or correctional institution performing his official duties, or

[(ii)] (iii) at the time of the commission of the crime the defendant was confined in a state prison or was otherwise in custody upon a sentence for the term of his natural life, or upon a sentence commuted to one of natural life, or upon a sentence for an indeterminate term the minimum of which was at least fifteen years and the maximum of which was natural life, or having escaped from such confinement or custody the defendant was in immediate flight therefrom; and

(b) The defendant was more than eighteen years old at the time of the commission of the crime; and

(c) There are no substantial mitigating circumstances which render sentence of death unwarranted.

2. If the court conducts such a further proceeding with respect to a sentence, the jury verdict of murder recorded upon the minutes shall not be subject to jury reconsideration therein.

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

## CHAPTER 1206

AN ACT to amend the New York city charter, in relation to the division of the city into councilmanic districts

Became a law July 6, 1971, with the approval of the Governor. Passed on Home Rule request pursuant to article IX, section 2(b)(2) of the Constitution by a majority vote, three-fifths being present

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

Section 1. Subdivision f of section twenty-two of the New York city charter, as amended by chapter three hundred fifty-four of the laws of nineteen hundred sixty-eight, is hereby amended to read as follows:

f. Notwithstanding the provisions of subdivision b of this section the provisions of this subdivision shall apply to the election of councilmen at the general election in the year nineteen hundred [sixty-nine] *seventy-three*, and elections by the voters for the filling of vacancies in the offices of the councilmen so elected arising otherwise than by expiration of term, for the balance thereof. One councilman shall be elected from each councilmanic district as constituted pursuant to this subdivision, and, in addition, two councilmen shall be elected at large from each of the boroughs in the manner provided in subdivisions c, d and e of this section. On or before [March] *February* first, nineteen hundred [sixty-nine] *seventy-three*, the city shall, by local law, divide the city into [twenty-seven] *thirty-three* councilmanic districts for the election

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.