

# STATE OF NEW YORK

6525

2025-2026 Regular Sessions

## IN ASSEMBLY

March 5, 2025

Introduced by M. of A. SLATER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentencing for conviction of certain provisions of murder in the first degree

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

1 Section 1. Section 60.06 of the penal law, as amended by chapter 482  
2 of the laws of 2009, is amended to read as follows:

3 § 60.06 Authorized disposition; murder in the first degree offenders;  
4 aggravated murder offenders; certain murder in the second  
5 degree offenders; certain terrorism offenders; criminal  
6 possession of a chemical weapon or biological weapon offen-  
7 ders; criminal use of a chemical weapon or biological weapon  
8 offenders.

9 [~~When~~] Except as otherwise provided in this section, when a defendant  
10 is convicted of murder in the first degree as defined in section 125.27  
11 of this chapter, the court shall, in accordance with the provisions of  
12 section 400.27 of the criminal procedure law, sentence the defendant to  
13 death, to life imprisonment without parole in accordance with subdivi-  
14 sion five of section 70.00 of this title, or to a term of imprisonment  
15 for a class A-I felony other than a sentence of life imprisonment with-  
16 out parole, in accordance with subdivisions one through three of section  
17 70.00 of this title. When a person is convicted of murder in the second  
18 degree as defined in subdivision five of section 125.25 of this chapter  
19 [~~or of the crime of~~], aggravated murder as defined in subdivision one of  
20 section 125.26 of this chapter, or murder in the first degree as defined  
21 in subparagraph (i), (ii), (ii-a) or (iii) of paragraph (a) of subdivi-  
22 sion one of section 125.27 of this chapter, the court shall sentence the  
23 defendant to life imprisonment without parole in accordance with subdivi-  
24 sion five of section 70.00 of this title. When a defendant is  
25 convicted of the crime of terrorism as defined in section 490.25 of this

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 chapter, and the specified offense the defendant committed is a class  
2 A-I felony offense, or when a defendant is convicted of the crime of  
3 criminal possession of a chemical weapon or biological weapon in the  
4 first degree as defined in section 490.45 of this chapter, or when a  
5 defendant is convicted of the crime of criminal use of a chemical weapon  
6 or biological weapon in the first degree as defined in section 490.55 of  
7 this chapter, the court shall sentence the defendant to life imprison-  
8 ment without parole in accordance with subdivision five of section 70.00  
9 of this title; provided, however, that nothing in this section shall  
10 preclude or prevent a sentence of death when the defendant is also  
11 convicted of murder in the first degree as defined in section 125.27 of  
12 this chapter. When a defendant is convicted of aggravated murder as  
13 defined in subdivision two of section 125.26 of this chapter, the court  
14 shall sentence the defendant to life imprisonment without parole or to a  
15 term of imprisonment for a class A-I felony other than a sentence of  
16 life imprisonment without parole, in accordance with subdivisions one  
17 through three of section 70.00 of this title.

18 § 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section  
19 70.00 of the penal law, as amended by chapter 107 of the laws of 2006,  
20 is amended to read as follows:

21 (i) For a class A-I felony, such minimum period shall not be less than  
22 fifteen years nor more than twenty-five years; provided, however, that  
23 (A) except as otherwise provided in clause (B) of this subparagraph,  
24 where a sentence, other than a sentence of death or life imprisonment  
25 without parole, is imposed upon a defendant convicted of murder in the  
26 first degree as defined in section 125.27 of this chapter such minimum  
27 period shall be not less than twenty years nor more than twenty-five  
28 years, and, (B) where a sentence is imposed upon a defendant convicted  
29 of murder in the second degree as defined in subdivision five of section  
30 125.25 of this chapter ~~[ex]~~, convicted of aggravated murder as defined  
31 in section 125.26 of this chapter, or convicted of murder in the first  
32 degree as defined in subparagraph (i), (ii), (ii-a) or (iii) of para-  
33 graph (a) of subdivision one of section 125.27 of this chapter, the  
34 sentence shall be life imprisonment without parole, and, (C) where a  
35 sentence is imposed upon a defendant convicted of attempted murder in  
36 the first degree as defined in article one hundred ten of this chapter  
37 and subparagraph (i), (ii) or (iii) of paragraph (a) of subdivision one  
38 and paragraph (b) of subdivision one of section 125.27 of this chapter  
39 or attempted aggravated murder as defined in article one hundred ten of  
40 this chapter and section 125.26 of this chapter such minimum period  
41 shall be not less than twenty years nor more than forty years.

42 § 3. Subdivision 5 of section 70.00 of the penal law, as amended by  
43 section 40-a of part WWW of chapter 59 of the laws of 2017, is amended  
44 to read as follows:

45 5. Life imprisonment without parole. Notwithstanding any other  
46 provision of law, a defendant sentenced to life imprisonment without  
47 parole shall not be or become eligible for parole or conditional  
48 release. For purposes of commitment and custody, other than parole and  
49 conditional release, such sentence shall be deemed to be an indetermi-  
50 nate sentence. A defendant may be sentenced to life imprisonment without  
51 parole upon conviction for the crime of murder in the first degree as  
52 defined in section 125.27 of this chapter and in accordance with the  
53 procedures provided by law for imposing a sentence for such crime;  
54 provided, however, that, a defendant shall be sentenced to life impri-  
55 sonment without parole upon conviction of murder in the first degree as  
56 defined in subparagraph (i), (ii), (ii-a) or (iii) of paragraph (a) of

1 subdivision one of section 125.27. A defendant who was eighteen years  
2 of age or older at the time of the commission of the crime must be  
3 sentenced to life imprisonment without parole upon conviction for the  
4 crime of terrorism as defined in section 490.25 of this chapter, where  
5 the specified offense the defendant committed is a class A-I felony; the  
6 crime of criminal possession of a chemical weapon or biological weapon  
7 in the first degree as defined in section 490.45 of this chapter; or the  
8 crime of criminal use of a chemical weapon or biological weapon in the  
9 first degree as defined in section 490.55 of this chapter; provided,  
10 however, that nothing in this subdivision shall preclude or prevent a  
11 sentence of death when the defendant is also convicted of the crime of  
12 murder in the first degree as defined in section 125.27 of this chapter.  
13 A defendant who was seventeen years of age or younger at the time of the  
14 commission of the crime may be sentenced, in accordance with law, to the  
15 applicable indeterminate sentence with a maximum term of life imprison-  
16 ment. A defendant must be sentenced to life imprisonment without parole  
17 upon conviction for the crime of murder in the second degree as defined  
18 in subdivision five of section 125.25 of this chapter or for the crime  
19 of aggravated murder as defined in subdivision one of section 125.26 of  
20 this chapter. A defendant may be sentenced to life imprisonment without  
21 parole upon conviction for the crime of aggravated murder as defined in  
22 subdivision two of section 125.26 of this chapter.  
23 § 4. This act shall take effect immediately.