

# STATE OF NEW YORK

942

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, CANZONERI-FITZPATRICK, HELMING, LANZA, OBERACKER, ORTT, PALUMBO, RHOADS, STEC, TEDISCO, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to making life imprisonment without parole mandatory for defendants convicted of murder in the first degree or second degree and the victim is a police officer, peace officer, first responder or correctional officer

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 a defendant is convicted of murder in the first degree as defined  
10 in section 125.27 of this chapter, the court shall, in accordance with  
11 the provisions of section 400.27 of the criminal procedure law, sentence  
12 the defendant to death, to life imprisonment without parole in accord-  
13 ance with subdivision five of section 70.00 of this title, or, except as  
14 provided in subdivision five of section 70.00 of this title, to a term  
15 of imprisonment for a class A-I felony other than a sentence of life  
16 imprisonment without parole, in accordance with subdivisions one through  
17 three of section 70.00 of this title. When a person is convicted of  
18 murder in the second degree as defined in subdivision five of section  
19 125.25 of this chapter or of the crime of aggravated murder as defined  
20 in subdivision one of section 125.26 of this chapter, the court shall

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

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1 sentence the defendant to life imprisonment without parole in accordance  
2 with subdivision five of section 70.00 of this title. When a defendant  
3 is convicted of the crime of terrorism as defined in section 490.25 of  
4 this chapter, and the specified offense the defendant committed is a  
5 class A-I felony offense, or when a defendant is convicted of the crime  
6 of criminal possession of a chemical weapon or biological weapon in the  
7 first degree as defined in section 490.45 of this chapter, or when a  
8 defendant is convicted of the crime of criminal use of a chemical weapon  
9 or biological weapon in the first degree as defined in section 490.55 of  
10 this chapter, the court shall sentence the defendant to life imprison-  
11 ment without parole in accordance with subdivision five of section 70.00  
12 of this title; provided, however, that nothing in this section shall  
13 preclude or prevent a sentence of death when the defendant is also  
14 convicted of murder in the first degree as defined in section 125.27 of  
15 this chapter. When a defendant is convicted of aggravated murder as  
16 defined in subdivision two of section 125.26 of this chapter, the court  
17 shall sentence the defendant to life imprisonment without parole or to a  
18 term of imprisonment for a class A-I felony other than a sentence of  
19 life imprisonment without parole, in accordance with subdivisions one  
20 through three of section 70.00 of this title.

21 § 2. Subdivision 5 of section 70.00 of the penal law, as amended by  
22 section 40-a of part WWW of chapter 59 of the laws of 2017, is amended  
23 to read as follows:

24 5. Life imprisonment without parole. Notwithstanding any other  
25 provision of law, a defendant sentenced to life imprisonment without  
26 parole shall not be or become eligible for parole ~~[or]~~, conditional  
27 release, commutation or pardon. For purposes of commitment and custody,  
28 other than parole and conditional release, such sentence shall be deemed  
29 to be an indeterminate sentence. A defendant may be sentenced to life  
30 imprisonment without parole upon conviction for the crime of murder in  
31 the first degree as defined in section 125.27 of this chapter and in  
32 accordance with the procedures provided by law for imposing a sentence  
33 for such crime, except that a defendant must be sentenced to life impri-  
34 sonment without parole upon conviction for the crime of murder in the  
35 first degree as defined in subparagraph (i), (ii), (ii-a), (iii) or (iv)  
36 of paragraph (a) of subdivision one of section 125.27 of this chapter.  
37 A defendant must be sentenced to life imprisonment without parole upon  
38 conviction for the crime of murder in the second degree as defined in  
39 subdivision six of section 125.25 of this chapter. A defendant who was  
40 eighteen years of age or older at the time of the commission of the  
41 crime must be sentenced to life imprisonment without parole upon  
42 conviction for the crime of terrorism as defined in section 490.25 of  
43 this chapter, where the specified offense the defendant committed is a  
44 class A-I felony; the crime of criminal possession of a chemical weapon  
45 or biological weapon in the first degree as defined in section 490.45 of  
46 this chapter; or the crime of criminal use of a chemical weapon or  
47 biological weapon in the first degree as defined in section 490.55 of  
48 this chapter; provided, however, that nothing in this subdivision shall  
49 preclude or prevent a sentence of death when the defendant is also  
50 convicted of the crime of murder in the first degree as defined in  
51 section 125.27 of this chapter. A defendant who was seventeen years of  
52 age or younger at the time of the commission of the crime may be  
53 sentenced, in accordance with law, to the applicable indeterminate  
54 sentence with a maximum term of life imprisonment. A defendant must be  
55 sentenced to life imprisonment without parole upon conviction for the  
56 crime of murder in the second degree as defined in subdivision five or

1 ~~six~~ of section 125.25 of this chapter or for the crime of aggravated  
2 murder as defined in subdivision one of section 125.26 of this chapter.  
3 A defendant may be sentenced to life imprisonment without parole upon  
4 conviction for the crime of aggravated murder as defined in subdivision  
5 two of section 125.26 of this chapter.

6 § 3. Subdivision 5 of section 125.25 of the penal law, as amended by  
7 chapter 23 of the laws of 2024, is amended and a new subdivision 6 is  
8 added to read as follows:

9 5. Being eighteen years old or more, while in the course of committing  
10 rape in the first, second or third degree, a crime formerly defined in  
11 section 130.50, 130.45 or 130.40 of this title, the crime of sexual  
12 abuse in the first degree, aggravated sexual abuse in the first, second,  
13 third or fourth degree, or incest in the first, second or third degree,  
14 against a person less than fourteen years old, [~~he or she~~] such person  
15 intentionally causes the death of such person[-]; or

16 6. Acting either alone or with one or more other persons, such person  
17 commits or attempts to commit robbery, burglary, kidnapping, arson, rape  
18 in the first degree, criminal sexual act in the first degree, sexual  
19 abuse in the first degree, aggravated sexual abuse, escape in the first  
20 degree, or escape in the second degree, and, in the course of and in  
21 furtherance of such crime or of immediate flight therefrom, such person,  
22 or another participant, if there be any, intentionally causes the death  
23 of: a police officer as defined in subdivision thirty-four of section  
24 1.20 of the criminal procedure law; a peace officer as defined in para-  
25 graph a of subdivision twenty-one, subdivision twenty-three, twenty-four  
26 or sixty-two (employees of the division for youth) of section 2.10 of  
27 the criminal procedure law; a firefighter; emergency medical technician,  
28 ambulance driver, paramedic, physician or registered nurse involved in a  
29 first response team, or any other individual who, in the course of offi-  
30 cial duties, performs emergency response; or an employee of a state  
31 correctional institution or was an employee of a local correctional  
32 facility as defined in subdivision two of section forty of the  
33 correction law, when such person was engaged in the course of performing  
34 their official duties.

35 § 4. This act shall take effect immediately.