

STATE OF NEW YORK

5747--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. SLATER, ANGELINO -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to requiring a sentence of life without parole for convictions of murder in the second degree, aggravated murder, and murder in the first degree

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

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

§ 60.06 Authorized disposition; murder in the first degree offenders; aggravated murder offenders; certain murder in the second degree offenders; certain terrorism offenders; criminal possession of a chemical weapon or biological weapon offenders; criminal use of a chemical weapon or biological weapon offenders.

When a defendant is convicted of murder in the second degree as defined in section 125.25 of this chapter, aggravated murder as defined in section 125.26 of this chapter, or murder in the first degree as defined in section 125.27 of this chapter, the court shall, in accordance with the provisions of section 400.27 of the criminal procedure law, sentence the defendant to death~~[,]~~ or to life imprisonment without parole in accordance with subdivision five of section 70.00 of this title~~[, or to a term of imprisonment for a class A-I felony other than a sentence of life imprisonment without parole, in accordance with subdivisions one through three of section 70.00 of this title. When a person is convicted of murder in the second degree as defined in subdivision five of section 125.25 of this chapter or of the crime of aggravated murder as defined in subdivision one of section 125.26 of this chapter, the court shall sentence the defendant to life imprisonment without parole in accordance with subdivision five of section 70.00 of this~~

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

LBD01680-02-3

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

20 § 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section
21 70.00 of the penal law, as amended by chapter 107 of the laws of 2006,
22 is amended to read as follows:

23 (i) For a class A-I felony, such minimum period shall not be less than
24 fifteen years nor more than twenty-five years; provided, however, that
25 ~~[(A) where a sentence, other than a sentence of death or life imprison-~~
26 ~~ment without parole, is imposed upon a defendant convicted of murder in~~
27 ~~the first degree as defined in section 125.27 of this chapter such mini-~~
28 ~~imum period shall be not less than twenty years nor more than twenty five~~
29 ~~years, and, (B)]~~ where a sentence is imposed upon a defendant convicted
30 of murder in the second degree as defined in ~~[subdivision five of]~~
31 section 125.25 of this chapter ~~[or]~~, convicted of aggravated murder as
32 defined in section 125.26 of this chapter, or convicted of murder in the
33 first degree as defined in section 125.27 of this chapter, the sentence
34 shall be life imprisonment without parole~~[, and, (C) where a sentence is~~
35 ~~imposed upon a defendant convicted of attempted murder in the first~~
36 ~~degree as defined in article one hundred ten of this chapter and subpar-~~
37 ~~agraph (i), (ii) or (iii) of paragraph (a) of subdivision one and para-~~
38 ~~graph (b) of subdivision one of section 125.27 of this chapter or~~
39 ~~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]~~ shall be sentenced to life imprisonment
51 without parole upon conviction for the crime of murder in the second
52 degree as defined in section 125.25 of this chapter, aggravated murder
53 as defined in section 125.26 of this chapter, or murder in the first
54 degree as defined in section 125.27 of this chapter and in accordance
55 with the procedures provided by law for imposing a sentence for such
56 crime. A defendant who was eighteen years of age or older at the time

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

22 § 4. This act shall take effect immediately.