

STATE OF NEW YORK

9016

IN ASSEMBLY

February 2, 2024

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

AN ACT to amend the penal law, in relation to the age of persons eligible for a sentence of life imprisonment without parole

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

1 Section 1. Subdivision 5 of section 70.00 of the penal law, as amended
2 by section 40-a of part WWW of chapter 59 of the laws of 2017, is
3 amended to read as follows:
4 5. Life imprisonment without parole. Notwithstanding any other
5 provision of law, a defendant sentenced to life imprisonment without
6 parole shall not be or become eligible for parole or conditional
7 release. For purposes of commitment and custody, other than parole and
8 conditional release, such sentence shall be deemed to be an indetermi-
9 nate sentence. A defendant who was eighteen years of age or older at the
10 time of the commission of the crime may be sentenced to life imprison-
11 ment without parole upon conviction for the crime of murder in the first
12 degree as defined in section 125.27 of this chapter and in accordance
13 with the procedures provided by law for imposing a sentence for such
14 crime. A defendant who was eighteen years of age or older at the time of
15 the commission of the crime must be sentenced to life imprisonment with-
16 out parole upon conviction for the crime of terrorism as defined in
17 section 490.25 of this chapter, where the specified offense the defend-
18 ant committed is a class A-I felony; the crime of criminal possession of
19 a chemical weapon or biological weapon in the first degree as defined in
20 section 490.45 of this chapter; or the crime of criminal use of a chemi-
21 cal weapon or biological weapon in the first degree as defined in
22 section 490.55 of this chapter; provided, however, that nothing in this
23 subdivision shall preclude or prevent a sentence of death when the
24 defendant is also convicted of the crime of murder in the first degree
25 as defined in section 125.27 of this chapter. A defendant who was seven-
26 teen years of age or younger at the time of the commission of the crime
27 may be sentenced, in accordance with law, to the applicable indetermi-
28 nate sentence [~~with a maximum term of life imprisonment~~]. A defendant

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

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1 who was eighteen years of age or older at the time of the commission of
2 the crime must be sentenced to life imprisonment without parole upon
3 conviction for the crime of murder in the second degree as defined in
4 subdivision five of section 125.25 of this chapter or for the crime of
5 aggravated murder as defined in subdivision one of section 125.26 of
6 this chapter. A defendant who was eighteen years of age or older at the
7 time of the commission of the crime may be sentenced to life imprison-
8 ment without parole upon conviction for the crime of aggravated murder
9 as defined in subdivision two of section 125.26 of this chapter.
10 § 2. This act shall take effect immediately.