

STATE OF NEW YORK

10024

IN ASSEMBLY

January 30, 2026

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

AN ACT to amend the criminal procedure law, in relation to certain guilty pleas

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

1 Section 1. Subdivision 5 of section 220.10 of the criminal procedure
2 law is amended by adding a new paragraph (i) to read as follows:

3 (i) A defendant, with both the permission of the court and the consent
4 of the people, may enter a plea of guilty as authorized by this section,
5 notwithstanding the provisions of paragraphs (a), (b), (c), (d), (f) and
6 (h) of this subdivision, when upon review of the nature and circum-
7 stances of the criminal conduct, the available evidence and the history
8 and character of the defendant, the prosecutor and the court are of the
9 opinion that the plea permitted by this paragraph is in the interest of
10 justice. The factors warranting the plea shall be placed on the record;
11 provided, however, the failure to do so shall not entitle the defendant
12 to have the plea of guilty set aside.

13 § 2. Paragraph (b) of subdivision 3 of section 220.30 of the criminal
14 procedure law is amended by adding a new subparagraph (x) to read as
15 follows:

16 (x) A defendant, with both the permission of the court and the consent
17 of the people, may enter a plea of guilty as authorized by this section,
18 notwithstanding the provisions of subparagraphs (i), (ii), (iii), (iv),
19 (v), (vi), (vii), and (ix) of this paragraph, when upon review of the
20 nature and circumstances of the criminal conduct, the available evidence
21 and the history and character of the defendant, the prosecutor and the
22 court are of the opinion that the plea permitted by this subparagraph is
23 in the interest of justice. The factors warranting the plea shall be
24 placed on the record; provided, however, the failure to do so shall not
25 entitle the defendant to have the plea of guilty set aside.

26 § 3. Subdivision 5 of section 220.10 of the criminal procedure law is
27 amended by adding a new paragraph (j) to read as follows:

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

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1 (j) (i) Notwithstanding any contrary provision of article seventy of
2 the penal law, in any case where the defendant appears to be a second
3 felony offender or a second felony drug offender pursuant to section
4 400.21 of this part, a second violent felony offender pursuant to
5 section 400.15 of this part or a persistent violent felony offender
6 pursuant to section 400.16 of this part, the defendant may, under the
7 conditions set forth in this paragraph, enter a plea of guilty to an
8 offense with the sentence for such offense being any sentence authorized
9 for such offense in the case of a defendant without any such status as a
10 predicate felon. The court shall treat any such promise in the same
11 manner it would any other lawful sentence promise in connection with a
12 plea of guilty.

13 (ii) The people may require, as a condition of any such plea, that the
14 defendant be adjudicated as a second felony offender, second felony drug
15 offender, second violent felony offender or persistent violent felony
16 offender, as the case may be, or may waive any such adjudication;
17 provided, however, that if the people require any such adjudication and
18 the defendant has not agreed to it as a condition of the plea, the
19 defendant may withdraw such plea prior to the imposition of the
20 sentence.

21 (iii) The sentencing of a defendant pursuant to any such plea shall
22 not impact whether any conviction is considered a predicate felony or
23 predicate violent felony conviction under the penal law or this chapter
24 for any reason other than the lawful term of the imposed sentence under
25 this subdivision.

26 (iv) A plea of guilty may be entered under this paragraph, and a
27 sentence authorized by this paragraph may be imposed, only with both the
28 permission of the court and the consent of the people and when, upon
29 review of the nature and circumstances of the criminal conduct, the
30 available evidence and the history and character of the defendant, the
31 prosecutor and the court are of the opinion that the plea and sentence
32 permitted by this paragraph are in the interest of justice. The factors
33 supporting such opinion shall be placed on the record; provided, howev-
34 er, the failure to do so shall not entitle the defendant to have the
35 plea of guilty or the sentence set aside.

36 § 4. This act shall take effect immediately and shall apply to pleas
37 entered and sentences imposed on or after such date.