

# STATE OF NEW YORK

1658

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. SLATER, ANGELINO, BROOK-KRASNY, CHANG, NOVAKHOV  
-- read once and referred to the Committee on Codes

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:

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

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

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

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

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

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

44 5. Life imprisonment without parole. Notwithstanding any other  
45 provision of law, a defendant sentenced to life imprisonment without  
46 parole shall not be or become eligible for parole or conditional  
47 release. For purposes of commitment and custody, other than parole and  
48 conditional release, such sentence shall be deemed to be an indetermi-  
49 nate sentence. A defendant [~~may~~] shall be sentenced to life imprisonment  
50 without parole upon conviction for the crime of murder in the second  
51 degree as defined in section 125.25 of this chapter, aggravated murder  
52 as defined in section 125.26 of this chapter, or murder in the first  
53 degree as defined in section 125.27 of this chapter and in accordance  
54 with the procedures provided by law for imposing a sentence for such  
55 crime. A defendant who was eighteen years of age or older at the time  
56 of the commission of the crime must be sentenced to life imprisonment

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