

STATE OF NEW YORK

5116

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

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

AN ACT to amend the penal law, in relation to prohibiting the release of persons convicted of first degree murder

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, or to life imprisonment without parole in
13 accordance with subdivision five of section 70.00 of this title [~~or to~~
14 ~~a term of imprisonment for a class A-I felony other than a sentence of~~
15 ~~life imprisonment without parole, in accordance with subdivisions one~~
16 ~~through three of section 70.00 of this title~~]. When a person is
17 convicted of murder in the second degree as defined in subdivision five
18 of section 125.25 of this chapter or of the crime of aggravated murder
19 as defined in subdivision one of section 125.26 of this chapter, the
20 court shall sentence the defendant to life imprisonment without parole
21 in accordance with subdivision five of section 70.00 of this title. When
22 a defendant is convicted of the crime of terrorism as defined in section
23 490.25 of this chapter, and the specified offense the defendant commit-
24 ted is a class A-I felony offense, or when a defendant is convicted of
25 the crime of criminal possession of a chemical weapon or biological

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

LBD06976-01-5

1 weapon in the first degree as defined in section 490.45 of this chapter,
2 or when a defendant is convicted of the crime of criminal use of a chem-
3 ical weapon or biological weapon in the first degree as defined in
4 section 490.55 of this chapter, the court shall sentence the defendant
5 to life imprisonment without parole in accordance with subdivision five
6 of section 70.00 of this title; provided, however, that nothing in this
7 section shall preclude or prevent a sentence of death when the defendant
8 is also convicted of murder in the first degree as defined in section
9 125.27 of this chapter. When a defendant is convicted of aggravated
10 murder as defined in subdivision two of section 125.26 of this chapter,
11 the court shall sentence the defendant to life imprisonment without
12 parole or to a term of imprisonment for a class A-I felony other than a
13 sentence of life imprisonment without parole, in accordance with subdi-
14 visions one through three of section 70.00 of this title.
15 § 2. This act shall take effect immediately.