

# STATE OF NEW YORK

6253

2025-2026 Regular Sessions

## IN ASSEMBLY

February 27, 2025

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

AN ACT to amend the penal law, the correction law, the criminal procedure law, and the administrative code of the city of New York, in relation to ending the imposition of a sentence of life without parole or death; and to repeal certain provisions of the penal law, the correction law, the criminal procedure law, the county law, the executive law, and the judiciary law, relating thereto

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

- 1 Section 1. Subdivision 2 of section 60.05 of the penal law, as amended  
2 by chapter 738 of the laws of 2004, is amended to read as follows:  
3 2. Class A felony. Except as provided in subdivisions three and four  
4 of section 70.06 of this chapter, every person convicted of a class A  
5 felony must be sentenced to imprisonment in accordance with section  
6 70.00 of this title [~~, unless such person is convicted of murder in the~~  
7 ~~first degree and is sentenced in accordance with section 60.06 of this~~  
8 ~~article~~].  
9 § 2. Section 60.06 of the penal law is REPEALED.  
10 § 3. Subparagraph (i) of paragraph (a) of subdivision 3 of section  
11 70.00 of the penal law, as amended by chapter 107 of the laws of 2006,  
12 is amended to read as follows:  
13 (i) For a class A-I felony, such minimum period shall not be less than  
14 fifteen years nor more than twenty-five years; provided, however, that  
15 (A) where a sentence, other than a sentence of death or life imprison-  
16 ment [~~without parole~~], is imposed upon a defendant convicted of murder  
17 in the first degree as defined in section 125.27 of this chapter such  
18 minimum period shall be not less than twenty years nor more than twenty-  
19 five years, and, (B) where a sentence is imposed upon a defendant  
20 convicted of murder in the second degree as defined in subdivision five  
21 of section 125.25 of this chapter or convicted of aggravated murder 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 125.26 of this chapter, the sentence shall be life  
2 imprisonment [~~without parole~~], and, (C) where a sentence is imposed upon  
3 a defendant convicted of attempted murder in the first degree as defined  
4 in article one hundred ten of this chapter and subparagraph (i), (ii) or  
5 (iii) of paragraph (a) of subdivision one and paragraph (b) of subdivi-  
6 sion one of section 125.27 of this chapter or attempted aggravated  
7 murder as defined in article one hundred ten of this chapter and section  
8 125.26 of this chapter such minimum period shall be not less than twenty  
9 years nor more than forty years.

10 § 4. Subdivision 5 of section 70.00 of the penal law is REPEALED.

11 § 5. Subdivision 2-a of section 70.20 of the penal law is REPEALED.

12 § 6. Subdivision 3 and paragraph (a) of subdivision 7 of section 70.80  
13 of the penal law, as added by chapter 7 of the laws of 2007, are amended  
14 to read as follows:

15 3. Except as provided by subdivision four, five, six, seven or eight  
16 of this section, or when a defendant is being sentenced for a conviction  
17 of the class A-II felonies of predatory sexual assault and predatory  
18 sexual assault against a child as defined in sections 130.95 and 130.96  
19 of this chapter, or for any class A-I sexually motivated felony for  
20 which a life sentence [~~or a life without parole sentence~~] must be  
21 imposed, a sentence imposed upon a defendant convicted of a felony sex  
22 offense shall be a determinate sentence. The determinate sentence shall  
23 be imposed by the court in whole or half years, and shall include as a  
24 part thereof a period of post-release supervision in accordance with  
25 subdivision two-a of section 70.45 of this article. Persons eligible for  
26 sentencing under section 70.07 of this article governing second child  
27 sexual assault felonies shall be sentenced under such section and para-  
28 graph (j) of subdivision two-a of section 70.45 of this article.

29 (a) [~~section 60.06 of this chapter and~~] section 70.00 of this arti-  
30 cle [~~, as applicable,~~] if such offense is a class A-I felony; and

31 § 7. Paragraph (d) of subdivision 2 of section 490.25 of the penal law  
32 is REPEALED.

33 § 8. The closing paragraph of section 490.28 of the penal law is  
34 REPEALED.

35 § 9. Section 113 of the correction law, as amended by chapter 322 of  
36 the laws of 2021, is amended to read as follows:

37 § 113. Absence of incarcerated individual for funeral and deathbed  
38 visits authorized. The commissioner may permit any incarcerated individ-  
39 ual confined by the department [~~except one awaiting the sentence of~~  
40 ~~death~~] to attend the funeral of [~~his or her father, mother~~] such indi-  
41 vidual's parent, guardian or former guardian, child, [~~brother, sister~~]  
42 sibling, [~~husband, wife~~] spouse, grandparent, grandchild, [~~ancestral~~  
43 ~~uncle~~] or [~~ancestral aunt~~] parent's sibling within the state, or to  
44 visit such individual during [~~his or her~~] their illness if death be  
45 imminent; but the exercise of such power shall be subject to such rules  
46 and regulations as the commissioner shall prescribe, respecting the  
47 granting of such permission, duration of absence from the institution,  
48 custody, transportation and care of the incarcerated individual, and  
49 guarding against escape. Any expense incurred under the provisions of  
50 this section, with respect to any incarcerated individual permitted to  
51 attend a funeral or visit a relative during last illness, shall be  
52 deemed an expense of maintenance of the institution and be paid from  
53 moneys available therefor; but the superintendent, if the rules and  
54 regulations of the commissioner shall so provide, may allow the incar-  
55 cerated individual or anyone in [~~his or her~~] such individual's behalf to  
56 reimburse the state for such expense.

1 § 10. Section 130 of the correction law is REPEALED.

2 § 11. Subdivision 2 of section 136 of the correction law, as amended  
3 by chapter 322 of the laws of 2021, is amended to read as follows:

4 2. All incarcerated individuals admitted to the department serving a  
5 determinate term of imprisonment, or an indeterminate sentence of impri-  
6 sonment [~~other than a sentence of life imprisonment without parole~~], who  
7 have been evaluated upon admission pursuant to subdivision one of  
8 section one hundred thirty-seven of this article and are determined to  
9 be capable of successfully completing the academic course work required  
10 for the test assessing secondary completion, shall be provided with the  
11 opportunity to complete such course work at least two months prior to  
12 the date on which such incarcerated individual may be paroled, condi-  
13 tionally released, released to post-release supervision pursuant to  
14 section 70.40 of the penal law, or presumptively released, pursuant to  
15 section eight hundred three of this chapter. Upon admission to the  
16 department, such incarcerated individuals will be provided with written  
17 notice that the test assessing secondary completion programs are avail-  
18 able for all incarcerated individuals who so apply.

19 § 12. Article 22-B of the correction law is REPEALED.

20 § 13. Paragraph (b) of subdivision 1 of section 195.10 of the criminal  
21 procedure law, as amended by chapter 401 of the laws of 2008, is amended  
22 to read as follows:

23 (b) the defendant is not charged with a class A felony punishable by  
24 [~~death or~~] life imprisonment; and

25 § 14. Paragraph (e) of subdivision 5 of section 220.10 of the criminal  
26 procedure law, as amended by chapter 1 of the laws of 1995, is amended  
27 to read as follows:

28 (e) A defendant may not enter a plea of guilty to the crime of murder  
29 in the first degree as defined in section 125.27 of the penal law;  
30 provided, however, that a defendant may enter such a plea with both the  
31 permission of the court and the consent of the people when the agreed  
32 upon sentence is [~~either life imprisonment without parole or~~] a term of  
33 imprisonment for the class A-I felony of murder in the first degree  
34 [~~other than a sentence of life imprisonment without parole~~].

35 § 15. Subparagraph (vii) of paragraph (b) of subdivision 3 of section  
36 220.30 of the criminal procedure law, as amended by chapter 1 of the  
37 laws of 1995, is amended to read as follows:

38 (vii) A defendant may not enter a plea of guilty to the crime of  
39 murder in the first degree as defined in section 125.27 of the penal  
40 law; provided, however, that a defendant may enter such a plea with both  
41 the permission of the court and the consent of the people when the  
42 agreed upon sentence is [~~either life imprisonment without parole or~~] a  
43 term of imprisonment for the class A-I felony of murder in the first  
44 degree [~~other than a sentence of life imprisonment without parole~~].

45 § 16. Section 250.40 of the criminal procedure law is REPEALED.

46 § 17. Section 270.16 of the criminal procedure law is REPEALED.

47 § 18. Paragraphs (e) and (f) of subdivision 1 of section 270.20 of the  
48 criminal procedure law, paragraph (e) as amended by chapter 68 of the  
49 laws of 1989 and paragraph (f) as amended by chapter 1 of the laws of  
50 1995, are amended to read as follows:

51 (e) [~~He~~] Such juror served on the grand jury which found the indict-  
52 ment in issue or served on a trial jury in a prior civil or criminal  
53 action involving the same incident charged in such indictment[~~, or~~

54 [~~(f) The crime charged may be punishable by death and the prospective  
55 juror entertains such conscientious opinions either against or in favor  
56 of such punishment as to preclude such juror from rendering an impartial~~

1 ~~verdict or from properly exercising the discretion conferred upon such~~  
2 ~~juror by law in the determination of a sentence pursuant to section~~  
3 ~~400.27].~~

4 § 19. Subdivision 2 of section 270.30 of the criminal procedure law is  
5 REPEALED.

6 § 20. Section 270.55 of the criminal procedure law is REPEALED.

7 § 21. Section 310.80 of the criminal procedure law, as amended by  
8 chapter 1 of the laws of 1995, is amended to read as follows:

9 § 310.80 Recording and checking of verdict and polling of jury.

10 After a verdict has been rendered, it must be recorded on the minutes  
11 and read to the jury, and the jurors must be collectively asked whether  
12 such is their verdict. Even though no juror makes any declaration in the  
13 negative, the jury must, if either party makes such an application, be  
14 polled and each juror separately asked whether the verdict announced by  
15 the [~~foreman~~] foreperson is in all respects [~~his~~] such juror's verdict.  
16 If upon either the collective or the separate inquiry any juror answers  
17 in the negative, the court must refuse to accept the verdict and must  
18 direct the jury to resume its deliberation. If no disagreement is  
19 expressed, the jury must be discharged from the case[~~, except as other-~~  
20 ~~wise provided in section 400.27].~~

21 § 22. Section 380.60 of the criminal procedure law, as amended by  
22 chapter 177 of the laws of 2011, is amended to read as follows:

23 § 380.60 Authority for the execution of sentence.

24 [~~Except where a sentence of death is pronounced, a~~] A sentence and  
25 commitment or certificate of conviction showing the sentence pronounced  
26 by the court, or a certified copy thereof, constitutes the authority for  
27 execution of the sentence and serves as the order of commitment, and no  
28 other warrant, order of commitment or authority is necessary to justify  
29 or to require execution of the sentence.

30 § 23. Section 400.27 of the criminal procedure law is REPEALED.

31 § 24. Subdivision 1 of section 440.20 of the criminal procedure law,  
32 as amended by chapter 1 of the laws of 1995, is amended to read as  
33 follows:

34 1. At any time after the entry of a judgment, the court in which the  
35 judgment was entered may, upon motion of the defendant, set aside the  
36 sentence upon the ground that it was unauthorized, illegally imposed or  
37 otherwise invalid as a matter of law. [~~Where the judgment includes a~~  
38 ~~sentence of death, the court may also set aside the sentence upon any of~~  
39 ~~the grounds set forth in paragraph (b), (c), (f), (g) or (h) of subdivi-~~  
40 ~~sion one of section 440.10 as applied to a separate sentencing proceed-~~  
41 ~~ing under section 400.27, provided, however, that to the extent the~~  
42 ~~ground or grounds asserted include one or more of the aforesaid para-~~  
43 ~~graphs of subdivision one of section 440.10, the court must also apply~~  
44 ~~subdivisions two and three of section 440.10, other than paragraph (d)~~  
45 ~~of subdivision two of such section, in determining the motion. In the~~  
46 ~~event the court enters an order granting a motion to set aside a~~  
47 ~~sentence of death under this section, the court must either direct a new~~  
48 ~~sentencing proceeding in accordance with section 400.27 or, to the~~  
49 ~~extent that the defendant cannot be resentenced to death consistent with~~  
50 ~~the laws of this state or the constitution of this state or of the~~  
51 ~~United States, resentence the defendant to life imprisonment without~~  
52 ~~parole or to a sentence of imprisonment for the class A-I felony of~~  
53 ~~murder in the first degree other than a sentence of life imprisonment~~  
54 ~~without parole. Upon granting the motion upon any of the grounds set~~  
55 ~~forth in the aforesaid paragraphs of subdivision one of section 440.10~~  
56 ~~and setting aside the sentence, the court must afford the people a~~

~~1 reasonable period of time, which shall not be less than ten days, to  
2 determine whether to take an appeal from the order setting aside the  
3 sentence of death. The taking of an appeal by the people stays the  
4 effectiveness of that portion of the court's order that directs a new  
5 sentencing proceeding.]~~

6 § 25. Section 450.10 of the criminal procedure law, as amended by  
7 chapter 671 of the laws of 1971, subdivisions 1 and 2 as amended by  
8 chapter 671 of the laws of 1984, subdivision 3 as added and subdivision  
9 4 as renumbered by chapter 516 of the laws of 1986 and subdivision 5 as  
10 added by chapter 560 of the laws of 1999, is amended to read as follows:  
11 § 450.10 Appeal by defendant to intermediate appellate court; in what  
12 cases authorized as of right.

13 An appeal to an intermediate appellate court may be taken as of right  
14 by the defendant from the following judgment, sentence and order of a  
15 criminal court:

16 1. A judgment [~~other than one including a sentence of death~~], unless  
17 the appeal is based solely upon the ground that a sentence was harsh or  
18 excessive when such sentence was predicated upon entry of a plea of  
19 guilty and the sentence imposed did not exceed that which was agreed to  
20 by the defendant as a condition of the plea and set forth on the record  
21 or filed with the court as required by subdivision five of section  
22 220.50 or subdivision four of section 340.20;

23 2. A sentence [~~other than one of death~~], as prescribed in subdivision  
24 one of section 450.30, unless the appeal is based solely upon the ground  
25 that a sentence was harsh or excessive when such sentence was predicated  
26 upon entry of a plea of guilty and the sentence imposed did not exceed  
27 that which was agreed to by the defendant as a condition of the plea and  
28 set forth in the record or filed with the court as required by subdivi-  
29 sion five of section 220.50 or subdivision four of section 340.20;

30 3. A sentence including an order of criminal forfeiture entered pursu-  
31 ant to section 460.30 of the penal law with respect to such forfeiture  
32 order.

33 4. An order, entered pursuant to section 440.40, setting aside a  
34 sentence [~~other than one of death~~], upon motion of the People.

35 5. An order denying a motion, made pursuant to subdivision one-a of  
36 section 440.30, for forensic DNA testing of evidence.

37 § 26. Section 450.15 of the criminal procedure law, as amended by  
38 chapter 671 of the laws of 1984, is amended to read as follows:  
39 § 450.15 Appeal by defendant to intermediate appellate court; in what  
40 cases authorized by permission.

41 If an appeal by defendant is not authorized as of right pursuant to  
42 section 450.10, the defendant may appeal from the following orders of a  
43 criminal court, provided that a certificate granting leave to appeal is  
44 issued pursuant to section 460.15:

45 1. An order denying a motion, made pursuant to section 440.10, to  
46 vacate a judgment [~~other than one including a sentence of death~~];

47 2. An order denying a motion by the defendant made pursuant to section  
48 440.20, to set aside a sentence [~~other than one of death~~];

49 3. A sentence which is not otherwise appealable as of right pursuant  
50 to subdivision one or two of section 450.10.

51 § 27. Subdivisions 4, 5, 6 and 7 of section 450.20 of the criminal  
52 procedure law are amended to read as follows:

53 4. A sentence [~~other than one of death~~], as prescribed in subdivisions  
54 two and three of section 450.30;

55 5. An order, entered pursuant to section 440.10, vacating a judgment  
56 [~~other than one including a sentence of death~~];

1 6. An order, entered pursuant to section 440.20, setting aside a  
2 sentence [~~other than one of death~~];

3 7. An order denying a motion by the people, made pursuant to section  
4 440.40, to set aside a sentence [~~other than one of death~~];

5 § 28. Subdivision 10 of section 450.20 of the criminal procedure law  
6 is REPEALED and subdivisions 11 and 12 are renumbered subdivisions 10  
7 and 11.

8 § 29. Section 450.70 of the criminal procedure law is REPEALED.

9 § 30. Section 450.80 of the criminal procedure law is REPEALED.

10 § 31. Section 460.40 of the criminal procedure law, as amended by  
11 chapter 209 of the laws of 1990, subdivision 2 as amended and subdivi-  
12 sion 3 as added by chapter 1 of the laws of 1995, is amended to read as  
13 follows:

14 § 460.40 Effect of taking of appeal upon judgment or order of courts  
15 below; when stayed.

16 [~~1. The taking of an appeal by the defendant directly to the court of  
17 appeals, pursuant to subdivision one of section 450.70, from a superior  
18 court judgment including a sentence of death stays the execution of such  
19 sentence. Except as provided in subdivision two of this section, in no  
20 other case does the taking of an appeal, by either party, in and of  
21 itself stay the execution of any judgment, sentence or order of either a  
22 eriminal court or an intermediate appellate court.~~

23 ~~2.]~~ The taking of an appeal by the people to an intermediate appellate  
24 court pursuant to subdivision one-a of section 450.20, from an order  
25 reducing a count or counts of an indictment or dismissing an indictment  
26 and directing the filing of a prosecutor's information, stays the effect  
27 of such order. In addition, the taking of an appeal by the people to an  
28 intermediate appellate court pursuant to subdivision one of section  
29 450.20, from an order dismissing a count or counts of an indictment  
30 charging murder in the first degree, stays the effect of such order.

31 [~~3. Within six months of the effective date of this subdivision, the  
32 court of appeals shall adopt rules to ensure that a defendant is granted  
33 a stay of the execution of any death warrant issued pursuant to article  
34 twenty-two-B of the correction law to allow the defendant an opportunity  
35 to prepare and timely file an initial motion pursuant to section 440.10  
36 or 440.20 seeking to set aside a sentence of death or vacate a judgment  
37 including a sentence of death and to allow the motion and any appeal  
38 from the denial thereof to be timely determined. The rules shall provide  
39 that in the event a defendant seeks to file any subsequent motion with  
40 respect to the judgment or sentence following a final determination of  
41 the defendant's initial motion pursuant to section 440.10 or 440.20, a  
42 motion for a stay of the execution of the death warrant may only be  
43 granted for good cause shown. The people and the defendant shall have a  
44 right to appeal to the court of appeals from orders granting or denying  
45 such stay motions and any rules adopted pursuant to this subdivision  
46 shall provide that the court of appeals may affirm such orders, reverse  
47 them or modify them upon such terms as the court deems appropriate and  
48 shall provide for the expeditious perfection and determination of such  
49 appeals. Prior to adoption of the rules, the court of appeals shall  
50 issue proposed rules and receive written comments thereon from inter-  
51 ested parties.]~~

52 § 32. Section 470.30 of the criminal procedure law, as amended by  
53 chapter 1 of the laws of 1995, is amended to read as follows:

54 § 470.30 Determination by court of appeals of appeals taken directly  
55 thereto from judgments and orders of criminal courts.

1 1. Wherever appropriate, the rules set forth in sections 470.15 and  
2 470.20, governing the consideration and determination by intermediate  
3 appellate courts of appeals thereto from judgments and orders of crimi-  
4 nal courts, and prescribing their scope of review and the corrective  
5 action to be taken by them upon reversal or modification, apply equally  
6 to the consideration and determination by the court of appeals of  
7 appeals taken directly thereto[~~, pursuant to sections 450.70 and~~  
8 ~~450.80,~~] from judgments and orders of superior criminal courts.

9 [~~2. Whenever a sentence of death is imposed, the judgment and sentence~~  
10 ~~shall be reviewed on the record by the court of appeals. Review by the~~  
11 ~~court of appeals pursuant to subdivision one of section 450.70 may not~~  
12 ~~be waived.~~

13 ~~3. With regard to the sentence, the court shall, in addition to exer-~~  
14 ~~cising the powers and scope of review granted under subdivision one of~~  
15 ~~this section, determine:~~

16 ~~(a) whether the sentence of death was imposed under the influence of~~  
17 ~~passion, prejudice, or any other arbitrary or legally impermissible~~  
18 ~~factor including whether the imposition of the verdict or sentence was~~  
19 ~~based upon the race of the defendant or a victim of the crime for which~~  
20 ~~the defendant was convicted;~~

21 ~~(b) whether the sentence of death is excessive or disproportionate to~~  
22 ~~the penalty imposed in similar cases considering both the crime and the~~  
23 ~~defendant. In conducting such review the court, upon request of the~~  
24 ~~defendant, in addition to any other determination, shall review whether~~  
25 ~~the sentence of death is excessive or disproportionate to the penalty~~  
26 ~~imposed in similar cases by virtue of the race of the defendant or a~~  
27 ~~victim of the crime for which the defendant was convicted; and~~

28 ~~(c) whether the decision to impose the sentence of death was against~~  
29 ~~the weight of the evidence.~~

30 ~~4. The court shall include in its decision:~~

31 ~~(a) the aggravating and mitigating factors established in the record~~  
32 ~~on appeal; and~~

33 ~~(b) those similar cases it took into consideration.~~

34 ~~5. In addition to exercising any other corrective action pursuant to~~  
35 ~~subdivision one of this section, the court, with regard to review of a~~  
36 ~~sentence of death, shall be authorized to:~~

37 ~~(a) affirm the sentence of death; or~~

38 ~~(b) set the sentence aside and remand the case for resentencing pursu-~~  
39 ~~ant to the procedures set forth in section 400.27 for a determination as~~  
40 ~~to whether the defendant shall be sentenced to death, life imprisonment~~  
41 ~~without parole or to a term of imprisonment for the class A-I felony of~~  
42 ~~murder in the first degree other than a sentence of life imprisonment~~  
43 ~~without parole; or~~

44 ~~(c) set the sentence aside and remand the case for resentencing by the~~  
45 ~~court for a determination as to whether the defendant shall be sentenced~~  
46 ~~to life imprisonment without parole or to a term of imprisonment for the~~  
47 ~~class A-I felony of murder in the first degree other than a sentence of~~  
48 ~~life imprisonment without parole.]~~

49 § 33. Subdivision 4 of section 630.20 of the criminal procedure law is  
50 REPEALED.

51 § 34. Subdivision 1 of section 650.20 of the criminal procedure law is  
52 amended to read as follows:

53 1. When (a) a criminal action is pending in a court of record of this  
54 state, or a grand jury proceeding has been commenced, and (b) there is  
55 reasonable cause to believe that a person confined in a correctional  
56 institution or prison of another state, other than a person [awaiting

1 ~~execution of a sentence of death or one~~] confined as mentally ill or as  
2 a defective delinquent, possesses information material to such criminal  
3 action or proceeding, and (c) the attendance of such person as a witness  
4 in such action or proceeding is desired by a party thereto, and (d) the  
5 state in which such person is confined possesses a statute equivalent to  
6 section 650.10, the court in which such action or proceeding is pending  
7 may issue a certificate under the seal of such court, certifying all  
8 such facts and that the attendance of such person as a witness in such  
9 court is required for a specified number of days.

10 § 35. Section 707 of the county law is REPEALED.

11 § 36. Section 63-d of the executive law is REPEALED.

12 § 37. Section 837-1 of the executive law is REPEALED.

13 § 38. Section 35-b of the judiciary law is REPEALED.

14 § 39. Section 211-a of the judiciary law is REPEALED.

15 § 40. Subdivision c of section 24-355 of the administrative code of  
16 the city of New York is amended to read as follows:

17 c. It shall be the special duty of the persons so appointed to prevent  
18 breaches of the peace and unlawful depredations and to arrest and bring  
19 before the proper magistrates persons employed on such works or found in  
20 the vicinity thereof, who are guilty of offenses against the law punish-  
21 able by [~~death,~~] imprisonment or fines, or persons whom they may have  
22 reasonable cause to believe to be guilty of such offenses.

23 § 41. This act shall take effect on the one hundred twentieth day  
24 after it shall have become a law.