

STATE OF NEW YORK

5881

2025-2026 Regular Sessions

IN SENATE

March 3, 2025

Introduced by Sens. LANZA, MURRAY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to making certain sex offenses committed against a child or a mentally disabled person class A-I felonies for which a sentence of life imprisonment without parole shall be imposed; and to repeal certain provisions of such law relating to sex offenses committed against children or the mentally disabled

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 sex offenders; certain terrorism
6 offenders; criminal possession of a chemical weapon or biolog-
7 ical weapon offenders; criminal use of a chemical weapon or
8 biological weapon 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, to life imprisonment without parole in accord-
13 ance with subdivision five of section 70.00 of this title, or to a term
14 of imprisonment for a class A-I felony other than a sentence of life
15 imprisonment without parole, in accordance with subdivisions one through
16 three of section 70.00 of this title. When a person is convicted of
17 murder in the second degree as defined in subdivision five of section
18 125.25 of this chapter or of the crime of aggravated murder as defined
19 in subdivision one of section 125.26 of this chapter, the court shall
20 sentence the defendant to life imprisonment without parole in accordance
21 with subdivision five of section 70.00 of this title. When a defendant

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

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1 is convicted of aggravated rape as defined in section 130.36 of this
2 chapter, aggravated criminal sexual act as defined in section 130.51 of
3 this chapter or course of sexual conduct against a child in the first
4 degree as defined in section 130.75 of this chapter, the court shall
5 sentence the defendant to life imprisonment without parole in accordance
6 with subdivision five of section 70.00 of this title. When a defendant
7 is convicted of the crime of terrorism as defined in section 490.25 of
8 this chapter, and the specified offense the defendant committed is a
9 class A-I felony offense, or when a defendant is convicted of the crime
10 of criminal possession of a chemical weapon or biological weapon in the
11 first degree as defined in section 490.45 of this chapter, or when a
12 defendant is convicted of the crime of criminal use of a chemical weapon
13 or biological weapon in the first degree as defined in section 490.55 of
14 this chapter, the court shall sentence the defendant to life imprison-
15 ment without parole in accordance with subdivision five of section 70.00
16 of this title; provided, however, that nothing in this section shall
17 preclude or prevent a sentence of death when the defendant is also
18 convicted of murder in the first degree as defined in section 125.27 of
19 this chapter. When a defendant is convicted of aggravated murder as
20 defined in subdivision two of section 125.26 of this chapter, the court
21 shall sentence the defendant to life imprisonment without parole or to a
22 term of imprisonment for a class A-I felony other than a sentence of
23 life imprisonment without parole, in accordance with subdivisions one
24 through three of section 70.00 of this title.

25 § 2. Subdivision 5 of section 70.00 of the penal law, as amended by
26 section 40-a of part WWW of chapter 59 of the laws of 2017, is amended
27 to read as follows:

28 5. Life imprisonment without parole. Notwithstanding any other
29 provision of law, a defendant sentenced to life imprisonment without
30 parole shall not be or become eligible for parole or conditional
31 release. For purposes of commitment and custody, other than parole and
32 conditional release, such sentence shall be deemed to be an indetermi-
33 nate sentence. A defendant may be sentenced to life imprisonment without
34 parole upon conviction for the crime of murder in the first degree as
35 defined in section 125.27 of this chapter and in accordance with the
36 procedures provided by law for imposing a sentence for such crime. A
37 defendant who was eighteen years of age or older at the time of the
38 commission of the crime must be sentenced to life imprisonment without
39 parole upon conviction for the crime of terrorism as defined in section
40 490.25 of this chapter, where the specified offense the defendant
41 committed is a class A-I felony; the crime of criminal possession of a
42 chemical weapon or biological weapon in the first degree as defined in
43 section 490.45 of this chapter; or the crime of criminal use of a chemi-
44 cal weapon or biological weapon in the first degree as defined in
45 section 490.55 of this chapter; provided, however, that nothing in this
46 subdivision shall preclude or prevent a sentence of death when the
47 defendant is also convicted of the crime of murder in the first degree
48 as defined in section 125.27 of this chapter. A defendant who was seven-
49 teen years of age or younger at the time of the commission of the crime
50 may be sentenced, in accordance with law, to the applicable indetermi-
51 nate sentence with a maximum term of life imprisonment. A defendant must
52 be sentenced to life imprisonment without parole upon conviction for the
53 crime of murder in the second degree as defined in subdivision five of
54 section 125.25 of this chapter or for the crime of aggravated murder as
55 defined in subdivision one of section 125.26 of this chapter. A defend-
56 ant may be sentenced to life imprisonment without parole upon conviction

1 for the crime of aggravated murder as defined in subdivision two of
 2 section 125.26 of this chapter. A defendant must be sentenced to life
 3 imprisonment without parole upon conviction of the crime of aggravated
 4 rape as defined in section 130.36 of this chapter, aggravated criminal
 5 sexual act as defined in section 130.51 of this chapter, or course of
 6 sexual conduct against a child in the first degree as defined in section
 7 130.75 of this chapter.

8 § 3. Section 130.30 of the penal law is REPEALED.

9 § 4. Section 130.35 of the penal law, as amended by chapter 777 of the
 10 laws of 2023, is amended to read as follows:

11 § 130.35 Rape in the first degree.

12 A person is guilty of rape in the first degree when:

13 1. [~~he or she~~] such person engages in vaginal sexual contact with
 14 another person:

15 (a) By forcible compulsion; or

16 (b) Who is incapable of consent by reason of being physically help-
 17 less[~~, or~~

18 ~~(c) Who is less than eleven years old; or~~

19 ~~(d) Who is less than thirteen years old and the actor is eighteen~~
 20 ~~years old or more];~~

21 2. [~~he or she~~] such person engages in oral sexual contact with another
 22 person:

23 (a) By forcible compulsion; or

24 (b) Who is incapable of consent by reason of being physically help-
 25 less[~~, or~~

26 ~~(c) Who is less than eleven years old; or~~

27 ~~(d) Who is less than thirteen years old and the actor is eighteen~~
 28 ~~years old or more]; or~~

29 3. [~~he or she~~] such person engages in anal sexual contact with another
 30 person:

31 (a) By forcible compulsion; or

32 (b) Who is incapable of consent by reason of being physically help-
 33 less[~~, or~~

34 ~~(c) Who is less than eleven years old; or~~

35 ~~(d) Who is less than thirteen years old and the actor is eighteen~~
 36 ~~years old or more].~~

37 Rape in the first degree is a class B felony.

38 § 5. The penal law is amended by adding a new section 130.36 to read
 39 as follows:

40 § 130.36 Aggravated rape.

41 A person is guilty of aggravated rape when:

42 1. being eighteen years or more, such person engages in sexual inter-
 43 course with another person less than fifteen years old; or

44 2. such person engages in sexual intercourse with another person who
 45 is incapable of consent by reason of being mentally disabled or mentally
 46 incapacitated; or

47 3. such person engages in sexual intercourse with another person who
 48 is less than thirteen years old.

49 It shall be an affirmative defense to the offense of aggravated rape
 50 as defined in subdivision one of this section that the defendant was
 51 less than four years older than the victim at the time of the offense.

52 Aggravated rape is a class A-I felony.

53 § 6. The closing paragraph of section 130.75 of the penal law, as
 54 amended by chapter 1 of the laws of 2000, is amended to read as follows:

55 Course of sexual conduct against a child in the first degree is a
 56 class [~~B~~] A-I felony.

1 § 7. Section 130.96 of the penal law is REPEALED.

2 § 8. This act shall take effect on the first of November next succeed-
3 ing the date on which it shall have become a law and shall apply to
4 offenses committed on or after such effective date.