

STATE OF NEW YORK

11679

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Mikulin) --
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to enacting "Jacob Freytes'
law"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Jacob Freytes' law".

3 § 2. Subdivision 5 of section 125.25 of the penal law, as amended by
4 chapter 23 of the laws of 2024, is amended and a new subdivision 6 is
5 added to read as follows:

6 5. Being eighteen years old or more, while in the course of committing
7 rape in the first, second or third degree, a crime formerly defined in
8 section 130.50, 130.45 or 130.40 of this title, the crime of sexual
9 abuse in the first degree, aggravated sexual abuse in the first, second,
10 third or fourth degree, or incest in the first, second or third degree,
11 against a person less than fourteen years old, [~~he or she~~] they inten-
12 tionally [~~causes~~] cause the death of such person[~~-~~]; or

13 6. They recklessly cause the death of a person less than eighteen
14 years old.

15 § 3. Subdivisions 3 and 5 of section 70.00 of the penal law, subdivi-
16 sion 3 as amended by chapter 738 of the laws of 2004, paragraph (a) as
17 amended by chapter 107 of the laws of 2006, paragraph (b) as amended by
18 chapter 746 of the laws of 2006 and subdivision 5 as amended by section
19 40-a of part WWW of chapter 59 of the laws of 2017, are amended to read
20 as follows:

21 3. Minimum period of imprisonment. The minimum period of imprisonment
22 under an indeterminate sentence shall be at least one year and shall be
23 fixed as follows:

24 (a) In the case of a class A felony, the minimum period shall be fixed
25 by the court and specified in the sentence.

26 (i) For a class A-I felony, such minimum period shall not be less than
27 fifteen years nor more than twenty-five years; provided, however, that
28 (A) where a sentence, other than a sentence of death or life imprison-

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

LBD16269-01-6

ment without parole, is imposed upon a defendant convicted of murder in the first degree as defined in section 125.27 of this chapter such minimum period shall be not less than twenty years nor more than twenty-five years, and, (B) where a sentence is imposed upon a defendant convicted of murder in the second degree as defined in ~~[subdivision five of]~~ section 125.25 of this chapter for causing the death of a person less than eighteen years old, or convicted of murder in the first degree as defined in section 125.27 of this chapter for causing the death of a person less than eighteen years old, or convicted of aggravated murder as defined in section 125.26 of this chapter, the sentence shall be life imprisonment without parole, and, (C) where a sentence is imposed upon a defendant convicted of attempted murder in the first degree as defined in article one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a) of subdivision one and paragraph (b) of subdivision one of section 125.27 of this chapter or attempted aggravated murder as defined in article one hundred ten of this chapter and section 125.26 of this chapter such minimum period shall be not less than twenty years nor more than forty years.

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months, except that for the class A-II felony of predatory sexual assault as defined in section 130.95 of this chapter or the class A-II felony of predatory sexual assault against a child as defined in section 130.96 of this chapter, such minimum period shall be not less than ten years nor more than twenty-five years.

(b) For any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed.

5. Life imprisonment without parole. Notwithstanding any other provision of law, a defendant sentenced to life imprisonment without parole shall not be or become eligible for parole or conditional release. For purposes of commitment and custody, other than parole and conditional release, such sentence shall be deemed to be an indeterminate sentence. [A] Except as otherwise provided in paragraph (a) of subdivision three of this section, a defendant may be sentenced to life imprisonment without parole upon conviction for the crime of murder in the first degree as defined in section 125.27 of this chapter and in accordance with the procedures provided by law for imposing a sentence for such crime. A defendant who was eighteen years of age or older at the time of the commission of the crime must be sentenced to life imprisonment without parole upon conviction for the crime of terrorism as defined in section 490.25 of this chapter, where the specified offense the defendant committed is a class A-I felony; the crime of criminal possession of a chemical weapon or biological weapon in the first degree as defined in section 490.45 of this chapter; or the crime of criminal use of a chemical weapon or biological weapon in the first degree as defined in section 490.55 of this chapter; provided, however, that nothing in this subdivision shall preclude or prevent a sentence of death when the defendant is also convicted of the crime of murder in the first degree as defined in section 125.27 of this chapter. A defendant who was seventeen years of age or younger at the time of the commission of the crime may be sentenced, in accordance with law, to the applicable indeterminate sentence with a maximum term of life imprisonment. A defendant must be sentenced to life imprisonment without parole upon conviction for the crime of murder in the second degree as defined in ~~[subdivision five of]~~ section 125.25 of this chapter where such defendant caused the

1 death of a person less than eighteen years old or for the crime of
2 murder in the first degree as defined in section 125.27 of this chapter
3 where such defendant caused the death of a person less than eighteen
4 years old, or for the crime of aggravated murder as defined in [~~subdivi-~~
5 ~~sion one of~~] section 125.26 of this chapter. [~~A defendant may be~~
6 ~~sentenced to life imprisonment without parole upon conviction for the~~
7 ~~crime of aggravated murder as defined in subdivision two of section~~
8 ~~125.26 of this chapter.~~]

9 § 4. This act shall take effect immediately.