

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.