

# STATE OF NEW YORK

2013

2025-2026 Regular Sessions

## IN ASSEMBLY

January 14, 2025

Introduced by M. of A. MAHER, E. BROWN, DeSTEFANO, BRABENEC, McDONOUGH, HAWLEY, MIKULIN, ANGELINO, BENDETT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to a required sentence of life imprisonment without parole for the murder of a child

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of  
2 section 70.00 of the penal law, as amended by chapter 107 of the laws of  
3 2006, is amended to read as follows:

4 (i) For a class A-I felony, such minimum period shall not be less than  
5 fifteen years nor more than twenty-five years; provided, however, that  
6 (A) where a sentence, other than a sentence of death or life imprison-  
7 ment without parole, is imposed upon a defendant convicted of murder in  
8 the first degree as defined in section 125.27 of this chapter such mini-  
9 mum period shall be not less than twenty years nor more than twenty-five  
10 years, and, (B) where a sentence is imposed upon a defendant convicted  
11 of murder in the second degree as defined in [~~subdivision five of~~]  
12 section 125.25 of this chapter where the victim is less than thirteen  
13 years old, or convicted of aggravated murder as defined in section  
14 125.26 of this chapter, or convicted of murder in the first degree as  
15 defined in section 125.27 of this chapter where the victim is less than  
16 thirteen years old, the sentence shall be life imprisonment without  
17 parole, and, (C) where a sentence is imposed upon a defendant convicted  
18 of attempted murder in the first degree as defined in article one  
19 hundred ten of this chapter and subparagraph (i), (ii) or (iii) of para-  
20 graph (a) of subdivision one and paragraph (b) of subdivision one of  
21 section 125.27 of this chapter or attempted aggravated murder as defined  
22 in article one hundred ten of this chapter and section 125.26 of this  
23 chapter such minimum period shall be not less than twenty years nor more  
24 than forty years.

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

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

4 5. Life imprisonment without parole. Notwithstanding any other  
5 provision of law, a defendant sentenced to life imprisonment without  
6 parole shall not be or become eligible for parole or conditional  
7 release. For purposes of commitment and custody, other than parole and  
8 conditional release, such sentence shall be deemed to be an indetermi-

9 nate sentence. ~~[A]~~ Except as otherwise provided in this subdivision, a  
10 defendant may be sentenced to life imprisonment without parole upon  
11 conviction for the crime of murder in the first degree as defined in  
12 section 125.27 of this chapter and in accordance with the procedures  
13 provided by law for imposing a sentence for such crime. A defendant who  
14 was eighteen years of age or older at the time of the commission of the  
15 crime must be sentenced to life imprisonment without parole upon  
16 conviction for the crime of terrorism as defined in section 490.25 of  
17 this chapter, where the specified offense the defendant committed is a  
18 class A-I felony; the crime of criminal possession of a chemical weapon  
19 or biological weapon in the first degree as defined in section 490.45 of  
20 this chapter; or the crime of criminal use of a chemical weapon or  
21 biological weapon in the first degree as defined in section 490.55 of  
22 this chapter; provided, however, that nothing in this subdivision shall  
23 preclude or prevent a sentence of death when the defendant is also  
24 convicted of the crime of murder in the first degree as defined in  
25 section 125.27 of this chapter. A defendant who was seventeen years of  
26 age or younger at the time of the commission of the crime may be  
27 sentenced, in accordance with law, to the applicable indeterminate  
28 sentence with a maximum term of life imprisonment. A defendant must be  
29 sentenced to life imprisonment without parole upon conviction for the  
30 crime of murder in the second degree as defined in ~~[subdivision five of]~~  
31 section 125.25 of this chapter, aggravated murder as defined in section  
32 125.26 of this chapter, or murder in the first degree as defined in  
33 section 125.27 of this chapter, where the victim was less than thirteen  
34 years old, or for the crime of aggravated murder as defined in subdivi-  
35 sion one of section 125.26 of this chapter. ~~[A defendant may be~~  
36 ~~sentenced to life imprisonment without parole upon conviction for the~~  
37 ~~crime of aggravated murder as defined in subdivision two of section~~  
38 ~~125.26 of this chapter.]~~

39 § 3. This act shall take effect immediately.