

STATE OF NEW YORK

5290

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sen. SEPULVEDA -- 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 requiring that a defendant must be over twenty-five years old to be guilty of felony murder

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

1 Section 1. The opening paragraph and paragraph (d) of subdivision 3 of
2 section 125.25 of the penal law, the opening paragraph as amended by
3 chapter 23 of the laws of 2024 and paragraph (d) as amended by chapter
4 477 of the laws of 1990, are amended to read as follows:

5 Acting either alone or with one or more other persons, [~~he~~] a defend-
6 ant being more than twenty-five years old commits or attempts to commit
7 robbery, burglary, kidnapping, arson, rape in the first degree, a crime
8 formerly defined in section 130.50 of this title, the crime of sexual
9 abuse in the first degree, aggravated sexual abuse, escape in the first
10 degree, or escape in the second degree, and, in the course of and in
11 furtherance of such crime or of immediate flight therefrom, [~~he~~] the
12 defendant, or another participant, if there be any, causes the death of
13 a person other than one of the participants; except that in any prose-
14 cution under this subdivision, in which the defendant was not the only
15 participant in the underlying crime, it is an affirmative defense that
16 the defendant:

17 (d) Had no reasonable ground to believe that any other participant
18 intended to engage in conduct likely to result in death or serious phys-
19 ical injury[~~+-ex~~].

20 § 2. This act shall take effect immediately.

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

LBD00960-01-5