

STATE OF NEW YORK

908

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, PALUMBO, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law and the penal law, in relation to clemency

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

1 Section 1. Section 15 of the executive law, as added by chapter 545 of
2 the laws of 1971, is amended to read as follows:

3 § 15. Power of governor to grant reprieves, commutations and pardons.
4 The governor has power to grant reprieves, commutations and pardons,
5 after conviction, for all offenses, except treason, murder, crimes where
6 the defendant is sentenced to life imprisonment without parole or where
7 the defendant acting either alone or with one or more other persons,
8 commits or attempts to commit robbery, burglary, kidnapping, arson, rape
9 in the first degree, criminal sexual act in the first degree, sexual
10 abuse in the first degree, aggravated sexual abuse, escape in the first
11 degree, or escape in the second degree, and, in the course of and in
12 furtherance of such crime or of immediate flight therefrom, such defend-
13 ant, or another participant, if there be any, intentionally causes the
14 death of: a police officer as defined in subdivision thirty-four of
15 section 1.20 of the criminal procedure law; a peace officer as defined
16 in paragraph a of subdivision twenty-one, subdivision twenty-three,
17 twenty-four or sixty-two (employees of the division for youth) of
18 section 2.10 of the criminal procedure law; a firefighter; emergency
19 medical technician, ambulance driver, paramedic, physician or registered
20 nurse involved in a first response team, or any other individual who, in
21 the course of official duties, performs emergency response; or an
22 employee of a state correctional institution or was an employee of a
23 local correctional facility as defined in subdivision two of section

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

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1 forty of the correction law, when such person was engaged in the course
2 of performing their official duties, and cases of impeachment, upon such
3 conditions, and with such restrictions and limitations, as [~~he~~] such
4 person may think proper, subject to the regulations provided in this
5 article.

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

9 5. Life imprisonment without parole. Notwithstanding any other
10 provision of law, a defendant sentenced to life imprisonment without
11 parole shall not be or become eligible for commutation, pardon, parole
12 or conditional release. For purposes of commitment and custody, other
13 than parole and conditional release, such sentence shall be deemed to be
14 an indeterminate sentence. A defendant may be sentenced to life impri-
15 sonment without parole upon conviction for the crime of murder in the
16 first degree as defined in section 125.27 of this chapter and in accord-
17 ance with the procedures provided by law for imposing a sentence for
18 such crime. A defendant who was eighteen years of age or older at the
19 time of the commission of the crime must be sentenced to life imprison-
20 ment without parole upon conviction for the crime of terrorism as
21 defined in section 490.25 of this chapter, where the specified offense
22 the defendant committed is a class A-I felony; the crime of criminal
23 possession of a chemical weapon or biological weapon in the first degree
24 as defined in section 490.45 of this chapter; or the crime of criminal
25 use of a chemical weapon or biological weapon in the first degree as
26 defined in section 490.55 of this chapter; provided, however, that noth-
27 ing in this subdivision shall preclude or prevent a sentence of death
28 when the defendant is also convicted of the crime of murder in the first
29 degree as defined in section 125.27 of this chapter. A defendant who was
30 seventeen years of age or younger at the time of the commission of the
31 crime may be sentenced, in accordance with law, to the applicable inde-
32 terminate sentence with a maximum term of life imprisonment. A defendant
33 must be sentenced to life imprisonment without parole upon conviction
34 for the crime of murder in the second degree as defined in subdivision
35 five of section 125.25 of this chapter or for the crime of aggravated
36 murder as defined in subdivision one of section 125.26 of this chapter.
37 A defendant may be sentenced to life imprisonment without parole upon
38 conviction for the crime of aggravated murder as defined in subdivision
39 two of section 125.26 of this chapter.

40 § 3. This act shall take effect immediately.