

4717--B

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I N S E N A T E

April 15, 2011

Introduced by Sens. RITCHIE, AVELLA, GRIFFO, LIBOUS, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to the definitions of aggravated and first degree murder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Mark's Law".
2 S 2. Paragraph a of subdivision 1 of section 125.26 of the penal law
3 is amended by adding a new subparagraph (ii-a) to read as follows:
4 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-
5 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE
6 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE
7 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND
8 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT
9 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH
10 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,
11 PHYSICIAN OR REGISTERED NURSE; OR
12 S 3. Paragraph a of subdivision 1 of section 125.27 of the penal law
13 is amended by adding a new subparagraph (ii-a) to read as follows:
14 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-
15 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE
16 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE
17 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND
18 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT

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

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1 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH
2 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,
3 PHYSICIAN OR REGISTERED NURSE; OR

4 S 4. The opening paragraph of subdivision 1 of section 125.26 of the
5 penal law, as added by chapter 765 of the laws of 2005, is amended to
6 read as follows:

7 With intent to cause the death of another person, he or she causes the
8 death of such person, or of a third person who was a person described in
9 subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdi-
10 vision engaged at the time of the killing in the course of performing
11 his or her official duties; and

12 S 5. This act shall take effect immediately.