

2238

2013-2014 Regular Sessions

I N   S E N A T E

January 15, 2013

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Introduced by Sen. GOLDEN -- 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 first degree murder of a child under the age of twelve

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

1     Section 1. Subparagraphs (x) and (xiii) of paragraph (a) of subdivi-  
2     sion 1 of section 125.27 of the penal law, subparagraph (x) as added by  
3     chapter 1 of the laws of 1995 and subparagraph (xiii) as added by chap-  
4     ter 300 of the laws of 2001, are amended and a new subparagraph (xiv) is  
5     added to read as follows:  
6     (x) the defendant acted in an especially cruel and wanton manner  
7     pursuant to a course of conduct intended to inflict and inflicting  
8     torture upon the victim prior to the victim's death. As used in this  
9     subparagraph, "torture" means the intentional and depraved infliction of  
10    extreme physical pain; "depraved" means the defendant [relished the  
11    infliction of] INFLICTED extreme physical pain upon the victim evidenc-  
12    ing debasement or perversion or that the defendant evidenced a sense of  
13    pleasure in the infliction of extreme physical pain; or  
14    (xiii) the victim was killed in furtherance of an act of terrorism, as  
15    defined in paragraph (b) of subdivision one of section 490.05 of this  
16    chapter; [and] OR  
17    (XIV) THE VICTIM WAS A CHILD UNDER THE AGE OF TWELVE; AND  
18    S 2. This act shall take effect on the first of November next succeed-  
19    ing the date on which it shall have become a law.

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

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