S T A T E   O F   N E W   Y O R K

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2508

2013-2014 Regular Sessions

I N   S E N A T E

January 18, 2013
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Introduced by Sen. ROBACH -- 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 the crimes of manslaughter
  in the first degree and murder in the second degree

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

 1   Section 1. Subdivision 4 of section 125.20 of the penal law, as added
 2 by chapter 477 of the laws of 1990, is amended and a new subdivision 5
 3 is added to read as follows:
 4   4. Being eighteen years old or more and with intent to cause physical
 5 injury to a person less than eleven years old, the defendant recklessly
 6 engages in conduct which creates a grave risk of serious physical injury
 7 to such person and thereby causes the death of such person[.]; OR
 8   5. THE DEFENDANT RECKLESSLY CAUSES THE DEATH OF ANOTHER PERSON BY
 9 MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.
10   S 2. Subdivision 2 of section 125.25 of the penal law, as amended by
11 chapter 791 of the laws of 1967, is amended to read as follows:
12   2. Under circumstances evincing a depraved indifference to [human] THE
13 life OF ANOTHER PERSON, he INTENTIONALLY OR recklessly engages in
14 conduct which creates a grave risk of death to another person, and
15 thereby causes the death of another person; or
16   S 3. The penal law is amended by adding a new section 125.24 to read
17 as follows:
18 S 125.24 MURDER IN THE SECOND DEGREE; NO DEFENSE.
19   THE CRIMES DEFINED IN SUBDIVISIONS ONE AND TWO OF SECTION 125.25 OF
20 THIS ARTICLE ARE NOT MUTUALLY EXCLUSIVE, AND IT IS NO DEFENSE TO A PROS-
21 ECUTION FOR MURDER IN THE SECOND DEGREE UNDER SUBDIVISION TWO OF SECTION
22 125.25 OF THIS ARTICLE THAT, BY REASON OF THE SAME CONDUCT, THE DEFEND-
23 ANT ALSO COMMITTED MURDER IN THE SECOND DEGREE UNDER SUBDIVISION ONE OF
24 SECTION 125.25 OF THIS ARTICLE.
25   S 4. This act shall take effect on the ninetieth day after it shall
26 have become a law.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                        [ ] is old law to be omitted.
                                                      LBD07192-01-3