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

5283

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MENG, COLTON, SPANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to murder in the first degree when a person intentionally causes physical injury to a minor under the age of fourteen years and such minor subsequently dies as a result of such physical injury

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

Section 1. Subparagraphs (x) and (xiii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, subparagraph (x) as added by chapter 1 of the laws of 1995, subparagraph (xiii) as added by chapter 300 of the laws of 2001, are amended and a new subparagraph (xiv) is added to read as follows:

(x) the defendant acted in an especially cruel and wanton manner pursuant to a course of conduct intended to inflict and inflicting torture upon the victim prior to the victim's death. As used in this subparagraph, "torture" means the intentional [and depraved] infliction of extreme physical pain[; "depraved" means the defendant relished the infliction of extreme physical pain upon the victim evidencing debasement or perversion or that the defendant evidenced a sense of pleasure in the infliction of extreme physical pain]; or

(xiii) the victim was killed in furtherance of an act of terrorism, as defined in paragraph (b) of subdivision one of section 490.05 of this chapter; [and] OR

(XIV) THE DEFENDANT INTENTIONALLY CAUSES PHYSICAL INJURY TO A MINOR LESS THAN FOURTEEN YEARS OF AGE, PURSUANT TO ARTICLE ONE HUNDRED TWENTY OF THIS TITLE, AND SUCH MINOR DIES AS A RESULT OF SUCH PHYSICAL INJURY; AND

S 2. This act shall take effect on the first of November next succeeding 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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