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I N   S E N A T E

May 10, 2010

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Introduced by Sens. MAZIARZ, BONACIC, DeFRANCISCO, GOLDEN, LARKIN, LIBOUS, SALAND, SEWARD, VOLKER, WINNER -- 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 kidnapping in the first degree

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

1     Section 1. Section 135.25 of the penal law, as amended by chapter 791  
2 of the laws of 1967, the closing paragraph as amended by chapter 276 of  
3 the laws of 1973, is amended to read as follows:  
4 S 135.25 Kidnapping in the first degree.  
5     A person is guilty of kidnapping in the first degree when he abducts  
6 another person and when:  
7     1. His intent is to compel a third person to pay or deliver money or  
8 property as ransom, or to engage in other particular conduct, or to  
9 refrain from engaging in particular conduct; or  
10     2. He restrains the person abducted for a period of more than twelve  
11 hours with intent to:  
12     (a) Inflict physical injury upon him or violate or abuse him sexually;  
13 or  
14     (b) Accomplish or advance the commission of a felony; or  
15     (c) Terrorize him or a third person; or  
16     (d) Interfere with the performance of a governmental or political  
17 function; or  
18     3. The person abducted dies during the abduction or before he is able  
19 to return or to be returned to safety. Such death shall be presumed, in  
20 a case where such person was less than sixteen years old or an incompetent  
21 person at the time of the abduction, from evidence that his  
22 parents, guardians or other lawful custodians did not see or hear from  
23 him following the termination of the abduction and prior to trial and  
24 received no reliable information during such period persuasively indicating  
25 that he was alive. In all other cases, such death shall be  
26 presumed from evidence that a person whom the person abducted would have  
27 been extremely likely to visit or communicate with during the specified

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

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1 period were he alive and free to do so did not see or hear from him  
2 during such period and received no reliable information during such  
3 period persuasively indicating that he was alive; OR  
4 4. THE PERSON ABDUCTED IS LESS THAN SIXTEEN YEARS OLD.  
5 Kidnapping in the first degree is a class A-I felony.  
6 S 2. This act shall take effect on the ninetieth day after it shall  
7 have become a law.