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

4529

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. MAYERSOHN -- Multi-Sponsored by -- M. of A. DIAZ -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to making the commission of murder against a person's child or legal ward punishable by death

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

Section 1. Legislative intent. The legislature hereby finds and declares that children under the age of eighteen constitute a special class of citizens who deserve special protection from perpetrators and potential perpetrators of crimes, especially violent crimes. The commission of the act of murder is the most heinous of violent crimes. Accordingly, the commission of such an act against a person's own child or legal ward, who is deserving of special protection, should be punishable by the most severe penalty authorized by law.

The legislature further finds and declares that parents and legal guardians of children are entrusted, both by the state and our society, with the responsibility of providing proper care and protection for their children and legal wards. Parents are accountable for the caring, nurturing, and protection of their children, who place a special trust in them because of the familial or legal relationship. Unlike adults, children cannot readily reach out for protection against fatal violence, particularly at the hands of their parents, making children the most vulnerable of New York's citizens.

Therefore, this legislature hereby declares it to be the policy of the state of New York to afford its children the special protection and care deserving of a vulnerable class of citizens by making the commission of a murder against a person's own child or legal ward punishable by death, so as to deter the commission of such acts against such children.

S 2. Subparagraph (xiii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, as added by chapter 300 of the laws of 2001, is amended and a new subparagraph (xiv) is added to read as follows:

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

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(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) AT THE TIME OF THE COMMISSION OF THE KILLING, THE INTENDED VICTIM WAS A PERSON OF LESS THAN EIGHTEEN YEARS OF AGE AND THE DEFENDANT WAS THE PARENT, OR ANY OTHER PERSON HAVING LAWFUL CUSTODY, OF SUCH INTENDED VICTIM; AND

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.