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

8197

2009-2010 Regular Sessions

I N A S S E M B L Y

May 7, 2009

Introduced by M. of A. TOWNSEND, KOLB, BURLING, DenDEKKER, FINCH -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, CALHOUN, CONTE, HAWLEY, MOLINARO, SALADINO, TOBACCO, WALKER, WEISENBERG -- read once and referred 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:

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 and 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] INFLICTED 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 VICTIM WAS A CHILD UNDER THE AGE OF TWELVE; 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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