

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraphs (x) and (xiii) of paragraph (a) of subdivi-
2 sion 1 of section 125.27 of the penal law, subparagraph (x) as added by
3 chapter 1 of the laws of 1995 and subparagraph (xiii) as added by chap-
4 ter 300 of the laws of 2001, are amended and a new subparagraph (xiv) is
5 added to read as follows:
6 (x) the defendant acted in an especially cruel and wanton manner
7 pursuant to a course of conduct intended to inflict and inflicting
8 torture upon the victim prior to the victim's death. As used in this
9 subparagraph, "torture" means the intentional and depraved infliction of
10 extreme physical pain; "depraved" means the defendant [relished the
11 infliction of] INFLICTED extreme physical pain upon the victim evidenc-
12 ing debasement or perversion or that the defendant evidenced a sense of
13 pleasure in the infliction of extreme physical pain; or
14 (xiii) the victim was killed in furtherance of an act of terrorism, as
15 defined in paragraph (b) of subdivision one of section 490.05 of this
16 chapter; [and] OR
17 (XIV) THE VICTIM WAS A CHILD UNDER THE AGE OF TWELVE; AND
18 S 2. This act shall take effect on the first of November next succeed-
19 ing 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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