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I N   S E N A T E

June 13, 2012

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Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to the definitions of aggravated and first degree murder

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

1     Section 1. This act shall be known and may be cited as "Mark's Law".

2     S 2. The opening paragraph of subdivision 1 of section 125.26 of the  
3     penal law, as added by chapter 765 of the laws of 2005, is amended to  
4     read as follows:

5     With intent to cause the death of another person, he or she causes the  
6     death of such person, or of a third person who was a person described in  
7     subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdivi-  
8     sion engaged at the time of the killing in the course of performing  
9     his or her official duties; and

10    S 3. Paragraph (a) of subdivision 1 of section 125.26 of the penal law  
11    is amended by adding a new subparagraph (ii-a) to read as follows:

12    (II-A) THE INTENDED VICTIM WAS A MEMBER OF A FIRST RESPONSE TEAM WHO,  
13    IN THE COURSE OF THE INDIVIDUAL'S OFFICIAL DUTIES, PERFORMS EMERGENCY  
14    RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF  
15    KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE  
16    INTENDED VICTIM WAS SUCH A MEMBER OF A FIRST RESPONSE TEAM; OR

17    S 4. Paragraph (a) of subdivision 1 of section 125.27 of the penal law  
18    is amended by adding a new subparagraph (ii-a) to read as follows:

19    (II-A) THE INTENDED VICTIM WAS A MEMBER OF A FIRST RESPONSE TEAM WHO,  
20    IN THE COURSE OF THE INDIVIDUAL'S OFFICIAL DUTIES, PERFORMS EMERGENCY  
21    RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF  
22    KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE  
23    INTENDED VICTIM WAS SUCH A MEMBER OF A FIRST RESPONSE TEAM; OR

24    S 5. This act shall take effect immediately.

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

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