

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

7824--B

2011-2012 Regular Sessions

I N A S S E M B L Y

May 18, 2011

Introduced by M. of A. RUSSELL, CROUCH, GUNTHER, JAFFEE, P. RIVERA --
Multi-Sponsored by -- M. of A. AMEDORE, MAGEE, SWEENEY -- read once
and referred to the Committee on Codes -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee -- again reported from said committee with amendments, ordered
reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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.

LBD08343-10-2