

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

March 31, 2014

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Introduced by M. of A. SIMANOWITZ -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law, in relation to the crimes of manslaughter  
in the first degree and murder in the second degree

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

1     Section 1. Subdivision 4 of section 125.20 of the penal law, as added  
2     by chapter 477 of the laws of 1990, is amended and a new subdivision 5  
3     is added to read as follows:  
4     4. Being eighteen years old or more and with intent to cause physical  
5     injury to a person less than eleven years old, the defendant recklessly  
6     engages in conduct which creates a grave risk of serious physical injury  
7     to such person and thereby causes the death of such person[.]; OR  
8     5. THE DEFENDANT RECKLESSLY CAUSES THE DEATH OF ANOTHER PERSON BY  
9     MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.  
10    S 2. Subdivision 2 of section 125.25 of the penal law, as amended by  
11    chapter 791 of the laws of 1967, is amended to read as follows:  
12    2. Under circumstances evincing a depraved indifference to [human] THE  
13    life OF ANOTHER PERSON, he INTENTIONALLY OR recklessly engages in  
14    conduct which creates a grave risk of death to another person, and  
15    thereby causes the death of another person; or  
16    S 3. The penal law is amended by adding a new section 125.24 to read  
17    as follows:  
18    S 125.24 MURDER IN THE SECOND DEGREE; NO DEFENSE.  
19    THE CRIMES DEFINED IN SUBDIVISIONS ONE AND TWO OF SECTION 125.25 OF  
20    THIS ARTICLE ARE NOT MUTUALLY EXCLUSIVE, AND IT IS NO DEFENSE TO A PROSECUTION  
21    FOR MURDER IN THE SECOND DEGREE UNDER SUBDIVISION TWO OF SECTION  
22    125.25 OF THIS ARTICLE THAT, BY REASON OF THE SAME CONDUCT, THE DEFENDANT  
23    ALSO COMMITTED MURDER IN THE SECOND DEGREE UNDER SUBDIVISION ONE OF  
24    SECTION 125.25 OF THIS ARTICLE.  
25    S 4. This act shall take effect on the ninetieth day after it shall  
26    have become a law.

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

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