

2130

2013-2014 Regular Sessions

I N   S E N A T E

January 11, 2013

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Introduced by Sens. RITCHIE, BONACIC, GALLIVAN, GRIFFO, LIBOUS,  
MARCHIONE, MAZIARZ, NOZZOLIO, RANZENHOFER -- read twice and ordered  
printed, and when printed to be committed to the Committee on Codes

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:

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

S 2. Paragraph a of subdivision 1 of section 125.26 of the penal law is amended by adding a new subparagraph (ii-a) to read as follows:

(II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE; OR

S 3. Paragraph a of subdivision 1 of section 125.27 of the penal law is amended by adding a new subparagraph (ii-a) to read as follows:

(II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE; OR

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

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

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1 With intent to cause the death of another person, he or she causes the  
2 death of such person, or of a third person who was a person described in  
3 subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdi-  
4 vision engaged at the time of the killing in the course of performing  
5 his or her official duties; and  
6 S 5. This act shall take effect immediately.