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

8253

2015-2016 Regular Sessions

I N A S S E M B L Y

June 15, 2015

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

AN ACT to amend the penal law, in relation to causing the death of a police or peace officer

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 the "police officer Vincent Guidice memorial act".

S 2. Subdivision 2 of section 125.22 of the penal law, as added by chapter 765 of the laws of 2005, is amended and a new subdivision 3 is added to read as follows:

2. with intent to cause the death of a police officer or peace officer, where such officer was in the course of performing his or her official duties and the defendant knew or reasonably should have known that such victim was a police officer or peace officer, he or she causes the death of such officer or another police officer or peace officer under circumstances which do not constitute murder because he or she acts under the influence of extreme emotional disturbance, as defined in paragraph (a) of subdivision one of section 125.25. The fact that homicide was committed under the influence of extreme emotional disturbance constitutes a mitigating circumstance reducing murder to aggravated manslaughter in the first degree or manslaughter in the first degree and need not be proved in any prosecution initiated under this subdivision[.]; OR

3. WITH INTENT TO PREVENT A POLICE OFFICER OR PEACE OFFICER FROM PERFORMING A LAWFUL DUTY, WHERE SUCH OFFICER WAS IN THE COURSE OF PERFORMING HIS OR HER OFFICIAL DUTIES AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT SUCH VICTIM WAS A POLICE OFFICER OR PEACE OFFICER, HE OR SHE CAUSES THE DEATH OF SUCH OFFICER OR ANOTHER POLICE OFFICER OR PEACE OFFICER.

S 3. This act shall take effect on the ninetieth day after 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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