

# STATE OF NEW YORK

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6434

2017-2018 Regular Sessions

## IN ASSEMBLY

March 7, 2017

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Introduced by M. of A. B. MILLER, CROUCH, GRAF, HAWLEY, McDONOUGH, KOLB, FINCH -- Multi-Sponsored by -- M. of A. McLAUGHLIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to first degree murder of a child under the age of twelve

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraphs (x) and (xiii) of paragraph (a) of subdivi-  
2 sion 1 of section 125.27 of the penal law, subparagraph (x) as added by  
3 chapter 1 of the laws of 1995 and subparagraph (xiii) as added by chap-  
4 ter 300 of the laws of 2001, are amended and a new subparagraph (xiv) is  
5 added to read as follows:

6 (x) the defendant acted in an especially cruel and wanton manner  
7 pursuant to a course of conduct intended to inflict and inflicting  
8 torture upon the victim prior to the victim's death. As used in this  
9 subparagraph, "torture" means the intentional and depraved infliction of  
10 extreme physical pain; "depraved" means the defendant [~~relished the~~  
11 ~~infliction of~~] inflicted extreme physical pain upon the victim evidenc-  
12 ing debasement or perversion or that the defendant evidenced a sense of  
13 pleasure in the infliction of extreme physical pain; or

14 (xiii) the victim was killed in furtherance of an act of terrorism, as  
15 defined in paragraph (b) of subdivision one of section 490.05 of this  
16 chapter; [~~and~~] or

17 (xiv) the victim was a child under the age of twelve; and

18 § 2. This act shall take effect on the first of November next succeed-  
19 ing the date on which 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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