

STATE OF NEW YORK

4429

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. B. MILLER, CROUCH, FINCH, HAWLEY, KOLB, McDONOUGH
-- Multi-Sponsored by -- M. of A. STEC -- 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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