

STATE OF NEW YORK

6043

2019-2020 Regular Sessions

IN ASSEMBLY

February 26, 2019

Introduced by M. of A. BRAUNSTEIN, WEPRIN, MONTESANO -- 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:

1 Section 1. This act shall be known and may be cited as the "police
2 officer Vincent Guidice memorial act".

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

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

19 3. with intent to prevent a police officer or peace officer from
20 performing a lawful duty, where such officer was in the course of
21 performing his or her official duties and the defendant knew or reason-
22 ably should have known that such victim was a police officer or peace
23 officer, he or she causes the death of such officer or another police
24 officer or peace officer.

25 § 3. 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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