STATE OF NEW YORK

1590

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

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

AN ACT to amend the penal law, in relation to making a murder as the result of a drive by shooting murder in the first degree

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

Section 1. Subparagraph (xiii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law is renumbered (xiv) and a new subparagraph (xiii) is added to read as follows:

(xiii) the victim was killed while the defendant was in the course of committing or attempting to commit a drive by shooting. Under this paragraph, a "drive by shooting" is defined as when a person, with the intent to cause the death of another person, discharges a firearm from a motor vehicle at another person outside of the motor vehicle. "Motor vehicle" shall have the same meaning as defined under section one hundred twenty-five of the vehicle and traffic law; or

§ 2. This act shall take effect immediately.

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

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