

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 Assem-
bly, do enact as follows:

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

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

11 § 2. This act shall take effect immediately.

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

LBD00867-01-1