

# STATE OF NEW YORK

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7311

2023-2024 Regular Sessions

## IN SENATE

May 19, 2023

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Introduced by Sen. CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed 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:

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.

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