

# STATE OF NEW YORK

4717--A

Cal. No. 1070

2011-2012 Regular Sessions

## IN SENATE

April 15, 2011

Introduced by Sens. RITCHIE, GRIFFO, LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to the definitions of aggravated and first degree murder

**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 "Mark's Law".  
2 § 2. Paragraph a of subdivision 1 of section 125.26 of the penal law  
3 is amended by adding a new subparagraph (ii-a) to read as follows:  
4 **(ii-a) the intended victim was a firefighter, volunteer firefighter,**  
5 **emergency medical technician, ambulance driver, paramedic, physician or**  
6 **nurse involved in a first response team, or any other individual who, in**  
7 **the course of official duties, performs emergency response activities**  
8 **and was engaged in such activities at the time of killing and the**  
9 **defendant knew or reasonably should have known that the intended victim**  
10 **was such uniformed firefighter, volunteer firefighter, emergency medical**  
11 **technician, ambulance driver, paramedic, physician or nurse; or**  
12 § 3. Paragraph a of subdivision 1 of section 125.27 of the penal law  
13 is amended by adding a new subparagraph (ii-a) to read as follows:  
14 **(ii-a) the intended victim was a firefighter, volunteer firefighter,**  
15 **emergency medical technician, ambulance driver, paramedic, physician or**  
16 **nurse involved in a first response team, or any other individual who, in**  
17 **the course of official duties, performs emergency response activities**  
18 **and was engaged in such activities at the time of killing and the**  
19 **defendant knew or reasonably should have known that the intended victim**  
20 **was such uniformed firefighter, volunteer firefighter, emergency medical**  
21 **technician, ambulance driver, paramedic, physician or nurse; or**  
22 § 4. This act shall take effect immediately.

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

LBD08343-04-1

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S4717A

**SPONSOR:** RITCHIE

**TITLE OF BILL:**

An act to amend the penal law, in relation to the definitions of aggravated and first degree murder

**PURPOSE:**

This bill updates the definitions of aggravated murder and murder in the first degree to include murder of an emergency first responder.

**SUMMARY:**

Section 1 entitles this act "Mark's Law"

Section 2 adds a new subparagraph (ii-a) in subdivision 1 of section 125.26 of the penal law related to intended victims of aggravated murder to include a list of emergency responders: emergency medical technician, firefighter, volunteer firefighter, ambulance driver, paramedic, physician or nurse involved in first response team.

Section 3 adds a new subparagraph (ii-a) in subdivision 1 of section 125.27 of the penal law related to intended victims of murder in the first degree to include a list of emergency responders: emergency medical technician, firefighter, volunteer firefighter, ambulance driver, paramedic, physician or nurse involved in first response team.

Section 4 provides for the immediate effectiveness of this act.

**JUSTIFICATION:**

We depend on our emergency first responders to react without hesitation and arrive on the scene to save lives and protect us from further harm. They are the hero's of our home towns and their positions should be held in high honor. Since the public places faith and trust in them, they also deserve to have the highest levels of protection the law will allow. While the dangers that our first responders face every day but we can take steps to deter and punish those who would purposefully target our emergency first responders.

Current law defines aggravated murder and murder in the first degree by including a list of individuals who, when killed while performing their official duties, make the murderer guilty of these crimes. They include: police officers, peace officers, uniformed court officers, parole officers, probation officers, employees of the division of youth, and corrections officers. When an individual knowingly kills one of these public servants, current law makes the killer guilty of aggravated murder and murder in the first degree. Both crimes are class A-I felo-

nies under the Penal Law.

This bill adds a list of emergency responders to the existing list of public servants within the Penal Law to include: emergency medical technicians, firefighters, volunteer firefighters, ambulance drivers, paramedics and physicians or nurses involved in first response teams.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None to the state.

**EFFECTIVE DATE:**

This act shall take effect immediately.