



NEW YORK STATE SENATOR

Stephen M. Saland

Senate Passes “Mark’s Law”

STEPHEN M. SALAND May 22, 2012

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Bill Would Make Killing an Emergency First Responder First Degree Murder

The New York State Senate today passed a bill (S.4717B) to make the killing of emergency first responders first degree murder, punishable by the stiffest penalty allowed by law - life without parole.

The bill, known as “Mark’s Law,” was introduced in memory of Mark Davis, the emergency medical technician who was shot to death while responding to a call for help in Cape Vincent on January 30, 2009. Mark’s family, including his parents Marsha and Larry Dickinson, his brother Michael and his sister Maricia Astafan, who just became an EMT first-responder, were in the Senate Chamber to witness passage of the legislation.

The law would add the emergency crews to the list that now includes police officers, peace officers, uniformed court officers, parole officers, probation officers, employees of the division of youth, and corrections officers. When an individual intentionally kills one of these public servants, the killer is guilty of murder in the first degree. It would be a class A-I felony under the Penal Law.

The bill defines First Responders as Firefighters, Emergency Medical Technicians, ambulance drivers, paramedics, and doctors and nurses involved in first response teams.

Under current law, the maximum charge the killer of an emergency responder could face is second degree murder with a sentence of 25 years to life in prison. Mr. Davis was killed by Christopher Burke, who was found to be emotionally disturbed at the time of the shooting. Burke pleaded guilty to manslaughter and was sentenced to 16 years in prison on April 1, 2011.

In the Davis case, the defendant was convicted of manslaughter because of his psychiatric issues and mental status at the time of the shooting. This bill would not change how the law applies when defendants can legitimately raise the extreme emotional disturbance defense.

The bill was sent to the Assembly.