



NEW YORK STATE SENATOR

Patty Ritchie

Senator Ritchie Introduces Mark's Law

PATTY RITCHIE May 13, 2011

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Bill Makes Killing Emergency Responders 1st Degree Murder

State Senator Patty Ritchie has introduced “Mark’s Law,” a bill to make the killing of emergency first responders first degree murder, punishable by the stiffest penalty allowed by law - life without parole.

The bill, S 4717, 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.

The law was drafted in consultation with Jefferson County District Attorney Cindy Intschert and the District Attorneys Association of New York State. The bill amends the penal law to include emergency responders, emergency medical technicians, firefighters, volunteer firefighters, ambulance drivers, paramedics, physicians or nurses involved in a first response team as victims of first degree murder.

“We depend on our emergency first responders to react without hesitation and arrive on the scene to save lives and protect us from harm,” Senator Ritchie said. “They are the heroes of our hometowns who come when we need them to rescue us when we have no where else to turn.”

“That’s why we owe it to them to give them every protection the law will allow,” Senator Ritchie said. “I want them to know that when they go into danger to help the people of New York State that anyone who would threaten or harm them will know that they will face the toughest punishment our penal law allows.”

"Our emergency responders are often the first people who answer calls for help in our communities," Jefferson County District Attorney Cindy Intschert said. "This bill would give prosecutors an additional tool to help insure that we can achieve justice when these senseless tragedies occur."

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.

“When Mark Davis was senselessly shot to death while responding to a call for help, many people in the emergency medical service community vowed that his sacrifice would never be forgotten,” Senator Ritchie said. “Shortly after I took office, it was pointed out to me that our existing laws do not provide the kind of protection for emergency responders that I believe are necessary. After discussions with Mr. Davis’s family, the District Attorney and others in both the criminal justice and the emergency services community, I decided to introduce “Mark’s Law” to try to prevent future tragedies of this kind.”

Under current law, the maximum charge the killer of an emergency responder could face is second degree murder with a sentence of 25 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.

The proposed law continues to permit this emotional disturbance defense, where applicable.

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.