

McKinney's Consolidated Laws of New York Annotated

**Penal Law** (Refs & Annos)

Chapter 40. Of the Consolidated Laws (Refs & Annos)

Part One. General Provisions

Title B. Principles of Criminal Liability

Article 15. Culpability

McKinney's **Penal Law** § 15.05

§ 15.05 Culpability; definitions of culpable mental states

Currentness

The following definitions are applicable to this chapter:

1. "Intentionally." A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.
2. "Knowingly." A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.
3. "Recklessly." A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.
4. "Criminal negligence." A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

**Credits**

(L.1965, c. 1030.)

**Editors' Notes**

**PRACTICE COMMENTARY**

by William C. Donnino

See Practice Commentary at **Penal Law** § 15.00.

## LAW REVIEW AND JOURNAL COMMENTARIES

Proposed **penal law** of New York: culpability. 64 Colum.L.Rev. 1481.

Relevant Notes of Decisions (2)

[View all 142](#)

Notes of Decisions listed below contain your search terms.

### Intoxication

Proffered evidence that defendant was intoxicated at time of motor vehicle collision, and of his chronic alcoholism, was immaterial in prosecution for, inter alia, depraved indifference murder. McKinney's **Penal Law** § **15.05** subd. 3, [People v. Wells](#) (1 Dept. 2008) 53 A.D.3d 181, 862 N.Y.S.2d 20, leave to appeal denied 11 N.Y.3d 858, 872 N.Y.S.2d 81, 900 N.E.2d 564, habeas corpus denied 2011 WL 1453925. [Automobiles](#)



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### ---- Burden of proof, criminal negligence

Expert opinion that the use of deadly force was unreasonable under the circumstances because the officers should have been able to subdue suspect using defensive disarming techniques, given the height and weight differential between suspect and officers was insufficient to rebut the presumption that the **Penal Law** was not violated by police officers, who killed fellow officer when they fired their weapons in the line of duty when faced with a criminal suspect poised to shoot a gun at them, which she, in fact, twice discharged; thus, claim under statute creating a cause of action where a police officer is injured by another's failure to comply with the requirements of any of the statutes, ordinances, rules, or orders could not be predicated on alleged **Penal Law** violation. [Williams v. City of New York](#), 2004, 2 N.Y.3d 352, 779 N.Y.S.2d 449, 811 N.E.2d 1103. [Municipal Corporations](#)



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McKinney's **Penal Law** § **15.05**, NY PENAL § **15.05**

Current through L.2014, chapters 1 to 504, 506 to 508, 510 to 523, 525 to 533.