

Legislative Bill Drafting Commission
12027-01-4

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA
(Relates to transit crimes and
prohibition orders relating to such
crimes)

Pen L. transit crimes

AN ACT

to amend the penal law, in relation
to transit crimes and prohibition
orders relating to such crimes

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s34 Fernandez	s28 Krueger	s01 Palumbo	s42 Skoufis
s43 Ashby	s60 Gallivan	s24 Lanza	s21 Parker	s11 Stavisky
s36 Bailey	s12 Gianaris	s16 Liu	s19 Persaud	s45 Stec
s57 Borrello	s59 Gonzalez	s50 Mannion	s13 Ramos	s35 Stewart-
s46 Breslin	s26 Gounardes	s04 Martinez	s05 Rhoads	Cousins
s25 Brisport	s53 Griffo	s07 Martins	s33 Rivera	s44 Tedisco
s55 Brouk	s40 Harckham	s02 Mattera	s39 Rolison	s06 Thomas
s09 Canzoneri-	s54 Helming	s48 May	s61 Ryan	s49 Walczyk
Fitzpatrick	s41 Hinchey	s37 Mayer	s18 Salazar	s52 Webb
s17 Chu	s47 Hoylman-	s03 Murray	s10 Sanders	s38 Weber
s30 Cleare	Sigal	s20 Myrie	s23 Scarcella-	s08 Weik
s14 Comrie	s31 Jackson	s51 Oberacker	Spanton	
s56 Cooney	s27 Kavanagh	s58 O'Mara	s32 Sepulveda	
s22 Felder	s63 Kennedy	s62 Ortt	s29 Serrano	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a078 Alvarez	a047 Colton	a034 Gonzalez-	a137 Meeks	a016 Sillitti
a031 Anderson	a140 Conrad	Rojas	a017 Mikulin	a052 Simon
a121 Angelino	a032 Cook	a150 Goodell	a122 Miller	a075 Simone
a037 Ardila	a039 Cruz	a116 Gray	a051 Mitaynes	a114 Simpson
a035 Aubry	a043 Cunningham	a100 Gunther	a145 Morinello	a094 Slater
a120 Barclay	a021 Curran	a139 Hawley	a144 Norris	a005 Smith
a106 Barrett	a077 Dais	a083 Heastie	a045 Novakhov	a118 Smullen
a105 Beephan	a018 Darling	a028 Hevesi	a069 O'Donnell	a022 Solages
a107 Bendett	a053 Davila	a128 Hunter	a091 Otis	a110 Steck
a082 Benedetto	a072 De Los Santos	a029 Hyndman	a132 Palmesano	a010 Stern
a027 Berger	a003 DeStefano	a079 Jackson	a088 Paulin	a127 Stirpe
a042 Bichotte	a070 Dickens	a104 Jacobson	a141 Peoples-	a102 Tague
Hermelyn	a054 Dilan	a011 Jean-Pierre	Stokes	a064 Tannousis
a117 Blankenbush	a081 Dinowitz	a134 Jensen	a023 Pheffer	a086 Tapia
a015 Blumencranz	a147 DiPietro	a115 Jones	Amato	a071 Taylor
a073 Bores	a009 Durso	a125 Kelles	a063 Pirozzolo	a001 Thiele
a098 Brabenec	a099 Eachus	a040 Kim	a089 Pretlow	a033 Vanel
a026 Braunstein	a048 Eichenstein	a013 Lavine	a019 Ra	a055 Walker
a138 Bronson	a074 Epstein	a065 Lee	a030 Raga	a143 Wallace
a046 Brook-Krasny	a109 Fahy	a126 Lemondes	a038 Rajkumar	a112 Walsh
a020 Brown, E.	a061 Fall	a095 Levenberg	a006 Ramos	a041 Weinstein
a012 Brown, K.	a008 Fitzpatrick	a060 Lucas	a062 Reilly	a024 Weprin
a093 Burdick	a004 Flood	a135 Lunsford	a087 Reyes	a059 Williams
a085 Burgos	a057 Forrest	a123 Lupardo	a149 Rivera	a113 Woerner
a142 Burke	a124 Friend	a129 Magnarelli	a067 Rosenthal, L.	a080 Zaccaro
a119 Buttenschon	a050 Gallagher	a101 Maher	a025 Rozic	a096 Zebrowski
a133 Byrnes	a131 Gallahan	a036 Mamdani	a111 Santabarbara	a056 Zinerman
a044 Carroll	a007 Gandolfo	a130 Manktelow	a090 Sayegh	
a058 Chandler-	a068 Gibbs	a108 McDonald	a076 Seawright	
Waterman	a002 Giglio, J.A.	a014 McDonough	a084 Septimo	
a049 Chang	a148 Giglio, J.M.	a097 McGowan	a092 Shimsky	
a136 Clark	a066 Glick	a146 McMahan	a103 Shrestha	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Paragraph (k-2) of subdivision 2 of section 65.10 of the
2 penal law, as added by section 1 of part VV of chapter 56 of the laws of
3 2020, is amended to read as follows:

4 (k-2) (i) Refrain, upon sentencing for a crime involving unlawful
5 sexual conduct or assault committed against either a metropolitan trans-
6 portation authority system passenger[,] or customer, or an employee [or
7 a crime involving assault against a metropolitan transportation authori-
8 ty employee,] of the metropolitan transportation authority system or any
9 contractor then performing work for any entity of the system, if the
10 offense was committed in or [on] adjacent to any facility or conveyance
11 of the [metropolitan transportation authority or a subsidiary thereof or
12 the New York city transit authority or a subsidiary thereof] authority's
13 transportation system, from using or entering any of [such] the authori-
14 ty's subways, trains, buses, or other conveyances or facilities as spec-
15 ified by the court for a period of up to three years, or a specified
16 period of such probation or conditional discharge, whichever is less.
17 For purposes of this section, a crime involving assault shall mean an
18 offense described in article one hundred twenty of this chapter which
19 has as an element the causing of physical injury or serious physical
20 injury to another as well as the attempt thereof. If the sentence
21 imposed by the court includes a period of incarceration followed by a
22 period of probation or conditional discharge, then the court may impose
23 conditions under this paragraph to be operative only during the period
24 of probation or conditional discharge. Orders under this paragraph may
25 extend to any part of the metropolitan transportation authority system
26 in the court's discretion, including parts of the system outside the
27 county where the sentencing judge sits.

1 (ii) The court may, in its discretion, suspend, modify or cancel a
2 condition imposed under this paragraph in the interest of justice at any
3 time. If the person depends on the authority's subways, trains, buses,
4 or other conveyances or facilities for trips of necessity, including,
5 but not limited to, travel to or from medical or legal appointments,
6 school or training classes or places of employment, obtaining food,
7 clothing or necessary household items, or rendering care to family
8 members, the court may modify such condition to allow for a trip or
9 trips as in its discretion are necessary.

10 (iii) A person at liberty and subject to a condition under this para-
11 graph who applies, within thirty days after the date such condition
12 becomes effective, for a refund of any prepaid fare amounts rendered
13 unusable in whole or in part by such condition including, but not limit-
14 ed to, a monthly pass, shall be issued a refund of the amounts so
15 prepaid.

16 (iv) Any order issued pursuant to this paragraph, whether imposing a
17 ban or modifying one, shall be served on the metropolitan transportation
18 authority as directed by the court.

19 (v) The metropolitan transportation authority shall not use facial
20 recognition technology to enforce any order issued pursuant to this
21 paragraph.

22 § 2. This act shall take effect immediately.