

STATE OF NEW YORK

7089

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to deeming a fare-paying passenger in a vehicle for hire incapable of consenting to sexual activity inside the vehicle with the operator of the vehicle

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

1 Section 1. Paragraph (j) of subdivision 3 of section 130.05 of the
2 penal law, as added by section 1 of part JJ of chapter 55 of the laws of
3 2018, is amended and a new paragraph (k) is added to read as follows:

4 (j) detained or otherwise in the custody of a police officer, peace
5 officer, or other law enforcement official and the actor is a police
6 officer, peace officer or other law enforcement official who either: (i)
7 is detaining or maintaining custody of such person; or (ii) knows, or
8 reasonably should know, that at the time of the offense, such person was
9 detained or in custody~~[-]~~; or

10 (k) a passenger who entered a vehicle for hire, in anticipation of a
11 fare being paid or after a fare has been paid, for transportation, is
12 inside said vehicle for hire, and the actor is the operator of such
13 vehicle.

14 § 2. This act shall take effect immediately.

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

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