

STATE OF NEW YORK

629--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, GRIFFIN -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the ability of a fare-paying passenger in a vehicle for hire and the operator of such vehicle to consent to sexual activity inside 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 two new paragraphs (k) and (1) are added to read as
4 follows:
5 (j) detained or otherwise in the custody of a police officer, peace
6 officer, or other law enforcement official and the actor is a police
7 officer, peace officer or other law enforcement official who either: (i)
8 is detaining or maintaining custody of such person; or (ii) knows, or
9 reasonably should know, that at the time of the offense, such person was
10 detained or in custody~~[-]~~; or
11 (k) a passenger who entered a vehicle for hire, in anticipation of a
12 fare being paid or after a fare has been paid, for transportation, is
13 inside said vehicle for hire, and the actor is the operator of such
14 vehicle; or
15 (1) an operator of a vehicle for hire who has allowed a passenger to
16 enter the vehicle, in anticipation of a fare being paid or after a fare
17 has been paid, for transportation, while the operator is inside such
18 vehicle for hire, and the actor is a passenger in such vehicle.
19 § 2. This act shall take effect on the thirtieth day after it shall
20 have become a law.

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

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