S T A T E O F N E W Y O R K

10058

I N A S S E M B L Y

March 1, 2010

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of assault on the operator of a for-hire vehicle

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "taxi driver protection act".

S 2. Section 120.05 of the penal law is amended by adding a new subdivision 13 to read as follows:

13. WITH INTENT TO CAUSE PHYSICAL INJURY TO THE OPERATOR OF A FOR-HIRE VEHICLE, AS DEFINED BY SECTION 60.07 OF THIS CHAPTER, HE OR SHE CAUSES PHYSICAL INJURY TO SUCH OPERATOR WHILE THE OPERATOR IS PERFORMING AN ASSIGNED DUTY ON, OR DIRECTLY RELATED TO, THE OPERATION OF A FOR-HIRE VEHICLE.

S 3. Subdivision 1 and paragraph (b) of subdivision 2 of section 60.07 of the penal law, as added by chapter 148 of the laws of 2000, are amended and a new subdivision 3 is added to read as follows:

1. Notwithstanding any other provision of law to the contrary, when a court has found, pursuant to the provisions of section 200.61 of the criminal procedure law, both that a person has been convicted of a specified offense as defined in subdivision two of this section and the victim of such offense was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the commission of such offense, the sentence of imprisonment imposed upon conviction for such offense shall be the sentence authorized by the applicable provisions of article seventy of this chapter, provided, however, that the minimum term of an indeterminate sentence [or minimum determinate sentence] shall be not less than three years nor more than five years greater than the minimum term OF THE INDETERMINATE SENTENCE or IN THE CASE OF A DETERMINATE SENTENCE THE TERM OF SUCH DETERMINATE SENTENCE SHALL NOT BE LESS THAN THREE YEARS GREATER THAN THE MINIMUM TERM OF A DETERMINATE sentence otherwise required to be imposed pursuant to such provisions. The provisions of this subdivision shall not apply where the

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

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court, having regard to the nature and circumstances of the crime and the history and character of the defendant, finds on the record that such additional term or sentence would be unduly harsh and that not imposing such additional term or sentence would be consistent with the public safety and would not deprecate the seriousness of the crime.

(b) the term "for-hire vehicle" shall mean a vehicle designed to carry not more than [five] NINE passengers for compensation and such vehicle is a taxicab, as defined in section one hundred forty-eight-a of the vehicle and traffic law, a livery, as such term is defined in section one hundred twenty-one-e of the vehicle and traffic law, or a "black car", as such term is defined in paragraph (g) of this subdivision;

3. EVERY FOR-HIRE VEHICLE SHALL POST A SIGN ON THE INTERIOR OF SUCH VEHICLE STATING IN NOT LESS THAN SIXTEEN POINT PRINT THAT "WARNING: ASSAULTING A TAXI DRIVER IS A FELONY PUNISHABLE BY UP TO SEVEN YEARS IN PRISON".

S 4. This act shall take effect immediately.