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

10058--B

I N A S S E M B L Y

March 1, 2010

Introduced by M. of A. LANCMAN, SCARBOROUGH, CYMBROWITZ, M. MILLER, MAYERSOHN, MILLMAN, JAFFEE, JEFFRIES, ROBINSON, BOYLAND, SCHIMEL, COLTON, CASTRO, TITUS, GORDON, MARKEY, ORTIZ, HEVESI, P. RIVERA -- Multi-Sponsored by -- M. of A. BENJAMIN, GABRYSZAK, GALEF, GIBSON, GOTTFRIED, HEASTIE, MENG, PHEFFER, SKARTADOS, TITONE, WEISENBERG -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the penal law, in relation to 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. Subdivision 1 and paragraph (a) of subdivision 2 of section 60.07 of the penal law, as added by chapter 148 of the laws of 2000, is 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 or sentence otherwise required to be imposed pursuant to such provisions. FURTHER PROVIDED, NOTWITHSTANDING SUBDIVISION ONE OF SECTION 70.15 OF THIS CHAPTER, THE SENTENCE OF IMPRISONMENT FOR A SPECIFIED OFFENSE THAT IS CLASSIFIED AS A MISDEMEANOR

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

LBD14873-17-0

SHALL BE TWO TIMES THE MAXIMUM DEFINITE SENTENCE OTHERWISE AUTHORIZED BY THIS CHAPTER. The provisions of this subdivision shall not apply where the 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.

(a) the term "specified offense" shall mean an attempt to commit murder in the second degree as defined in section 125.25 of this chapter, ASSAULT IN THE SECOND DEGREE AS DEFINED IN SECTION 120.05 OF THIS CHAPTER, ASSAULT IN THE THIRD DEGREE AS DEFINED IN SECTION 120.00 OF THIS CHAPTER, gang assault in the first degree as defined in section 120.07 of this chapter, gang assault in the second degree as defined in section 120.06 of this chapter, assault in the first degree as defined in section 120.10 of this chapter, manslaughter in the first degree as defined in section 125.20 of this chapter, manslaughter in the second degree as defined in section 125.15 of this chapter, robbery in the first degree as defined in section 160.15 of this chapter, robbery in the second degree as defined in section 160.10 of this chapter, or the attempted commission of any of the following offenses: gang assault in the first degree as defined in section 120.07, assault in the first degree as defined in section 120.10, manslaughter in the first degree as defined in section 125.20 or robbery in the first degree as defined in section 160.15;

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 PUNISHABLE BY UP TO TWENTY-FIVE YEARS IN PRISON" PROVIDED, THAT OPERATORS OF LIVERY OR BLACK CAR VEHICLES SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO POST SUCH A SIGN WHILE PROVIDING FOR-HIRE VEHICLE SERVICES.

S 3. Subdivision 4 of section 10.00 of the penal law, as amended by chapter 791 of the laws of 1967, is amended to read as follows:

4. "Misdemeanor" means an offense, other than a "traffic infraction, " for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed EXCEPT AS MAY OTHERWISE BE PROVIDED BY LAW.

S 4. This act shall take effect immediately.