STATE OF NEW YORK

1775

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

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

AN ACT to amend the penal law, in relation to the ability of a fare-paying passenger in a transportation network company vehicle and the driver 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:

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

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

(k) a passenger who entered a transportation network company vehicle, as defined in section sixteen hundred ninety-one of the vehicle and traffic law, in anticipation of a fare being paid or after a fare has been paid, for transportation, is inside said transportation network company vehicle, and the actor is the driver of such vehicle; or

(l) a driver of a transportation network company vehicle, as defined in section sixteen hundred ninety-one of the vehicle and traffic law, who has allowed a passenger to enter the vehicle, in anticipation of a fare being paid or after a fare has been paid, for transportation, while the driver is inside such transportation network company vehicle, and the actor is a passenger in such vehicle.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD06676-01-3