STATE OF NEW YORK

5046

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. LANZA -- 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 crimes committed on metropolitan transportation authority property

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

Section 1. The penal law is amended by adding a new section 70.09 to read as follows:

§ 70.09 Sentence of imprisonment for crimes committed while in or upon metropolitan transportation authority property.

1. Under this section, metropolitan transportation authority property shall include any building, facility, property, vehicle or train owned, leased or operated by the metropolitan transportation authority.

2. When a person is convicted of a crime while in or upon metropolitan transportation authority property, the crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of a crime pursuant to this section and the specified offense is a class B felony:

(a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;

(b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;

(c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;

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

LBD08766-01-3

(d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and

(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a crime pursuant to this section and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

§ 2. This act shall take effect immediately.