STATE OF NEW YORK

11063

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. NOVAKHOV, BROOK-KRASNY, CHANG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting certain persons who were sentenced of the crime of unlawful sexual conduct or assault committed in or on public transportation from using public transportation

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

Section 1. Paragraph (k-2) of subdivision 2 of section 65.10 of the penal law, as added by section 1 of part VV of chapter 56 of the laws of 2020, is amended to read as follows:

(k-2) (i) Refrain, upon sentencing for a crime involving unlawful sexual conduct [~~committed against a metropolitan transportation authority passenger, customer,~~] or [~~employee or a crime involving assault against a metropolitan transportation authority employee,~~] **assault** committed in or on any **place, conveyance, or vehicle used for public transportation or public transit, including subway cars, train cars, buses, ferries, railroad, omnibus, marine or aviation transportation; or any** facility **used for** or [~~conveyance of the metropolitan transportation authority or a subsidiary thereof or the New York city transit authority or a subsidiary thereof,~~] **in connection with service in the transportation of passengers, airports, train stations, subway and rail stations, and bus terminals** from using or entering [~~any of~~] such [~~authority's subways, trains, buses or other conveyances or facilities~~] **public transportation or public transit as** specified by the court for a period of up to three years, or a specified period of such probation or conditional discharge, whichever is less. For purposes of this section, a crime involving assault shall mean an offense described in article one hundred twenty of this chapter which has as an element the causing of physical injury or serious physical injury to another as well as the attempt thereof. **If the sentence imposed by the court includes a period of incarceration followed by a period of probation or conditional discharge, then the court may impose conditions under this paragraph to be operative only during the period of probation or conditional**

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

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discharge. Orders under this paragraph may include public transportation outside the county where the sentencing judge sits.

(ii) The court may, in its discretion, suspend, modify or cancel a condition imposed under this paragraph in the interest of justice at any time. If the person depends on [~~the authority's subways, trains, buses, or other conveyances or facilities~~] **such public transportation or public transit** for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes or places of employment, obtaining food, clothing or necessary household items, or rendering care to family members, the court may modify such condition to allow for a trip or trips as in its discretion are necessary.

(iii) A person at liberty and subject to a condition under this paragraph who applies, within thirty days after the date such condition becomes effective, for a refund of any prepaid fare amounts rendered unusable in whole or in part by such condition including, but not limited to, a monthly pass, shall be issued a refund of the amounts so prepaid.

(iv) Any order issued pursuant to this section, whether imposing a ban or modifying one, shall be served on the appropriate public transportation or public transit entity as directed by the court.

§ 2. This act shall take effect immediately.