

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:

1 Section 1. Paragraph (k-2) of subdivision 2 of section 65.10 of the
2 penal law, as added by section 1 of part VV of chapter 56 of the laws of
3 2020, is amended to read as follows:

4 (k-2) (i) Refrain, upon sentencing for a crime involving unlawful
5 sexual conduct [~~committed against a metropolitan transportation authority passenger, customer,~~ or [~~employee or a crime involving assault~~
6 ~~against a metropolitan transportation authority employee,~~ assault
7 committed in or on any place, conveyance, or vehicle used for public
8 transportation or public transit, including subway cars, train cars,
9 buses, ferries, railroad, omnibus, marine or aviation transportation; or
10 any facility used for or [~~conveyance of the metropolitan transportation~~
11 ~~authority or a subsidiary thereof or the New York city transit authority~~
12 ~~or a subsidiary thereof,~~ in connection with service in the transporta-
13 tion of passengers, airports, train stations, subway and rail
14 stations, and bus terminals from using or entering [~~any of~~] such
15 [~~authority's subways, trains, buses or other conveyances or facilities~~]
16 public transportation or public transit as specified by the court for a
17 period of up to three years, or a specified period of such probation or
18 conditional discharge, whichever is less. For purposes of this section,
19 a crime involving assault shall mean an offense described in article one
20 hundred twenty of this chapter which has as an element the causing of
21 physical injury or serious physical injury to another as well as the
22 attempt thereof. If the sentence imposed by the court includes a period
23 of incarceration followed by a period of probation or conditional
24 discharge, then the court may impose conditions under this paragraph to
25 be operative only during the period of probation or conditional
26

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

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

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

13 (iii) A person at liberty and subject to a condition under this para-
14 graph who applies, within thirty days after the date such condition
15 becomes effective, for a refund of any prepaid fare amounts rendered
16 unusable in whole or in part by such condition including, but not limit-
17 ed to, a monthly pass, shall be issued a refund of the amounts so
18 prepaid.

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

22 § 2. This act shall take effect immediately.