

# STATE OF NEW YORK

11222

## IN ASSEMBLY

May 1, 2026

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

AN ACT to amend the penal law, in relation to sentence of imprisonment for offenses committed while using public transportation

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

1 Section 1. The penal law is amended by adding a new section 70.16 to  
2 read as follows:

3 § 70.16 Sentence of imprisonment for offenses committed while using  
4 public transportation.

5 1. Sentencing. (a) Where a person is convicted of a specified offense  
6 while in or upon property owned, leased or used by a public transporta-  
7 tion system, including but not limited to train stations, bus stations,  
8 and vehicles, the crime shall be deemed to be one degree higher than the  
9 specified offense the defendant committed, or one category higher than  
10 the offense level applicable to the defendant's conviction for an  
11 attempt or conspiracy to commit a specified offense, whichever is appli-  
12 cable.

13 (b) Notwithstanding any other provision of law, where the defendant is  
14 convicted of a specified offense while in or upon property owned,  
15 leased, or used by a public transportation system, including but not  
16 limited to train stations, bus stations, and vehicles, and the specified  
17 offense is a class B felony, such offense shall be deemed a class A-I  
18 felony, punishable by an indeterminate sentence with a maximum period of  
19 life imprisonment and a minimum period as set forth in subparagraph (i)  
20 of paragraph (a) of subdivision three of section 70.00 of this article.

21 (c) Notwithstanding any other provision of law, where the defendant is  
22 convicted of a specified offense while in or upon property owned,  
23 leased, or used by a public transportation system, including but not  
24 limited to train stations, bus stations, and vehicles, and the specified  
25 offense is a class A-I felony, the minimum period of the indeterminate  
26 sentence shall be not less than twenty years.

27 (d) When a person is convicted of a specified offense while in or upon  
28 property owned, leased, or used by a public transportation system,

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

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1 including but not limited to train stations, bus stations, and vehicles,  
2 and the specified offense is a violent felony offense, as defined in  
3 section 70.02 of this article, the offense pursuant to this section  
4 shall be deemed a violent felony offense.

5 2. Specified offenses. For the purpose of this section, a specified  
6 offense shall mean (a) any offenses in articles one hundred twenty, one  
7 hundred twenty-one, one hundred thirty, one hundred fifty, one hundred  
8 sixty and two hundred sixty-five of this chapter; and

9 (b) criminal sale of a controlled substance in the fifth degree as  
10 defined in section 220.31; criminal sale of a controlled substance in  
11 the fourth degree as defined in section 220.34; criminal sale of a  
12 controlled substance in the third degree as defined in section 220.39;  
13 criminal sale of a controlled substance in the second degree as defined  
14 in section 220.41; criminal sale of a controlled substance in the first  
15 degree as defined in section 220.43; operating as a major trafficker as  
16 defined in section 220.77; aggravated patronizing a minor for prostitu-  
17 tion in the third degree, as defined in section 230.11; aggravated  
18 patronizing a minor for prostitution in the second degree, as defined in  
19 section 230.12, aggravated patronizing a minor for prostitution in the  
20 first degree, as defined in section 230.13; promoting prostitution in  
21 the fourth degree as defined in section 230.20; promoting prostitution  
22 in the third degree as defined in section 230.25; promoting prostitution  
23 in the second degree as defined in section 230.30; promoting prostitu-  
24 tion in the first degree as defined in section 230.32; compelling pros-  
25 titution as defined in section 230.33; sex trafficking as defined in  
26 section 230.34; and sex trafficking of a child as defined in section  
27 230.34-a, of this chapter.

28 § 2. The penal law is amended by adding a new section 120.80 to read  
29 as follows:

30 § 120.80. Reckless endangerment on public transportation.

31 A person is guilty of reckless endangerment on public transportation  
32 when such person intentionally shoves, strikes, kicks, or otherwise  
33 subjects another person to physical contact which causes such other  
34 person to fall on train or subway tracks or creates a substantial risk  
35 of subjecting such person to a collision with a motor vehicle.

36 Reckless endangerment on public transportation is a class A-I felony.

37 § 3. Subparagraph (xiii) of paragraph (a) of subdivision 1 of section  
38 125.27 of the penal law, as added by chapter 300 of the laws of 2001, is  
39 amended and a new subparagraph (xiv) is added to read as follows:

40 (xiii) the victim was killed in furtherance of an act of terrorism, as  
41 defined in paragraph (b) of subdivision one of section 490.05 of this  
42 chapter; ~~and~~ or

43 (xiv) the killing occurred in or upon property owned, leased, or used  
44 by a public transportation system, including but not limited to train  
45 stations, bus stations, and vehicles; and

46 § 4. This act shall take effect immediately.