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:

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

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

1. Sentencing. (a) Where a person is convicted of a specified offense while in or upon property owned, leased or used by a public transportation system, including but not limited to train stations, bus stations, and vehicles, the crime shall be deemed to be one degree 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.

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

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

(d) When a person is convicted of a specified offense while in or upon 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.

LBD15530-01-6

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

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

(b) criminal sale of a controlled substance in the fifth degree as defined in section 220.31; criminal sale of a controlled substance in the fourth degree as defined in section 220.34; criminal sale of a controlled substance in the third degree as defined in section 220.39; criminal sale of a controlled substance in the second degree as defined in section 220.41; criminal sale of a controlled substance in the first degree as defined in section 220.43; operating as a major trafficker as defined in section 220.77; aggravated patronizing a minor for prostitution in the third degree, as defined in section 230.11; aggravated patronizing a minor for prostitution in the second degree, as defined in section 230.12, aggravated patronizing a minor for prostitution in the first degree, as defined in section 230.13; promoting prostitution in the fourth degree as defined in section 230.20; promoting prostitution in the third degree as defined in section 230.25; promoting prostitution in the second degree as defined in section 230.30; promoting prostitution in the first degree as defined in section 230.32; compelling prostitution as defined in section 230.33; sex trafficking as defined in section 230.34; and sex trafficking of a child as defined in section 230.34-a, of this chapter.

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

§ 120.80. Reckless endangerment on public transportation.

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

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

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

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

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

§ 4. This act shall take effect immediately.