

STATE OF NEW YORK

1651

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to the ability of a fare-pay-
ing passenger in a transportation network company vehicle and the
driver of such vehicle to consent to sexual activity inside the vehi-
cle

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

1 Section 1. Paragraph (j) of subdivision 3 of section 130.05 of the
2 penal law, as added by section 1 of part JJ of chapter 55 of the laws of
3 2018, is amended and two new paragraphs (l) and (m) are added to read as
4 follows:

5 (j) detained or otherwise in the custody of a police officer, peace
6 officer, or other law enforcement official and the actor is a police
7 officer, peace officer or other law enforcement official who either: (i)
8 is detaining or maintaining custody of such person; or (ii) knows, or
9 reasonably should know, that at the time of the offense, such person was
10 detained or in custody[-]; or

11 (l) a passenger who entered a transportation network company vehicle,
12 as defined in section sixteen hundred ninety-one of the vehicle and
13 traffic law, in anticipation of a fare being paid or after a fare has
14 been paid, for transportation, is inside said transportation network
15 company vehicle, and the actor is the driver of such vehicle; or

16 (m) a driver of a transportation network company vehicle, as defined
17 in section sixteen hundred ninety-one of the vehicle and traffic law,
18 who has allowed a passenger to enter the vehicle, in anticipation of a
19 fare being paid or after a fare has been paid, for transportation, while
20 the driver is inside such transportation network company vehicle, and
21 the actor is a passenger in such vehicle.

22 § 2. This act shall take effect on the thirtieth day after it shall
23 have become a law.

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

LBD04044-01-5