

# STATE OF NEW YORK

5393

2025-2026 Regular Sessions

## IN SENATE

February 21, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to sexual abuse in the first degree where a person is incapable of consent while a passenger on public transportation; in relation to public lewdness while a passenger on public transportation; in relation to establishing enhanced penalties for offenses committed while in or upon a building, facility, property, vehicle or train owned, leased or operated by the metropolitan transportation authority; and to amend the criminal procedure law, in relation to the suspension or revocation of the use of a facility, property, vehicle or train owned, leased or operated by the metropolitan transportation authority

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

1 Section 1. Section 130.65 of the penal law is amended by adding a new  
2 subdivision 2-a to read as follows:

3 2-a. Intentionally, and with the sole purpose of sexual gratification,  
4 and without the consent of the other person while a passenger on public  
5 transportation; or

6 § 2. Subdivision 2 of section 245.03 of the penal law, as added by  
7 chapter 186 of the laws of 2014, is amended and a new subdivision 3 is  
8 added to read as follows:

9 2. [~~he or she~~] such person commits the crime of public lewdness, as  
10 defined in section 245.00 of this article, and within the preceding year  
11 has been convicted of an offense defined in such section 245.00 or this  
12 section[~~+~~]; or

13 3. such person commits the crime of public lewdness, as defined in  
14 section 245.00 of this article, while a passenger on public transporta-  
15 tion.

16 § 3. The penal law is amended by adding a new section 70.11 to read as  
17 follows:

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

LBD07414-01-5

1 § 70.11 Sentences of imprisonment for offenses committed while in or  
2 upon a building, facility, property, vehicle or train owned,  
3 leased or operated by the metropolitan transportation authori-  
4 ty; aggravating factors.

5 Matters occurring while in or upon a building, facility, property,  
6 vehicle or train owned, leased or operated by the metropolitan transpor-  
7 tation authority, shall result in the following enhancement of such  
8 sentence:

9 1. For offenses committed under section 120.00 of this chapter, the  
10 sentence shall reflect a class E felony;

11 2. For offenses committed under section 120.01 of this chapter, the  
12 sentence shall reflect a class D felony;

13 3. For offenses committed under section 120.02 of this chapter, the  
14 sentence shall reflect a class C felony;

15 4. For offenses committed under section 120.05 of this chapter, the  
16 sentence shall reflect a class C felony;

17 5. For offenses committed under section 120.06 of this chapter, the  
18 sentence shall reflect a class B felony;

19 6. For offenses committed under section 120.07 of this chapter, the  
20 sentence shall reflect a class A felony;

21 7. For offenses committed under section 120.08 of this chapter, the  
22 sentence shall reflect a class B felony;

23 8. For offenses committed under section 120.09 of this chapter, the  
24 sentence shall reflect a class B felony;

25 9. For offenses committed under section 120.10 of this chapter, the  
26 sentence shall reflect a class A felony;

27 10. For offenses committed under section 120.11 of this chapter, the  
28 sentence shall reflect a class A felony;

29 11. For offenses committed under section 120.12 of this chapter, the  
30 sentence shall reflect a class D felony;

31 12. For offenses committed under section 120.13 of this chapter, the  
32 sentence shall reflect a class D felony;

33 13. For offenses committed under section 120.14 of this chapter, the  
34 sentence shall reflect a class E felony;

35 14. For offenses committed under section 120.15 of this chapter, the  
36 sentence shall reflect a class A misdemeanor;

37 15. For offenses committed under section 120.16 of this chapter, the  
38 sentence shall reflect a class E felony;

39 16. For offenses committed under section 120.17 of this chapter, the  
40 sentence shall reflect a class B misdemeanor;

41 17. For offenses committed under section 120.18 of this chapter, the  
42 sentence shall reflect a class C felony;

43 18. For offenses committed under section 120.20 of this chapter, the  
44 sentence shall reflect a class E felony;

45 19. For offenses committed under section 120.25 of this chapter, the  
46 sentence shall reflect a class C felony;

47 20. For offenses committed under section 120.30 of this chapter, the  
48 sentence shall reflect a class D felony;

49 21. For offenses committed under section 120.45 of this chapter, the  
50 sentence shall reflect a class A misdemeanor;

51 22. For offenses committed under section 120.50 of this chapter, the  
52 sentence shall reflect a class E felony;

53 23. For offenses committed under section 120.55 of this chapter, the  
54 sentence shall reflect a class D felony;

55 24. For offenses committed under section 120.60 of this chapter, the  
56 sentence shall reflect a class C felony;

1 25. For offenses committed under section 120.70 of this chapter, the  
2 sentence shall reflect a class D felony;

3 26. For offenses committed under section 121.11 of this chapter, the  
4 sentence shall reflect a class E felony;

5 27. For offenses committed under section 121.12 of this chapter, the  
6 sentence shall reflect a class C felony;

7 28. For offenses committed under section 121.13 of this chapter, the  
8 sentence shall reflect a class B felony;

9 29. For offenses committed under section 125.10 of this chapter, the  
10 sentence shall reflect a class D felony;

11 29-a. For offenses committed under section 125.11 of this chapter, the  
12 sentence shall reflect a class B felony;

13 30. For offenses committed under section 125.15 of this chapter, the  
14 sentence shall reflect a class B felony;

15 31. For offenses committed under section 125.20 of this chapter, the  
16 sentence shall reflect a class A felony;

17 32. For offenses committed under section 125.21 of this chapter, the  
18 sentence shall reflect a class B felony;

19 33. For offenses committed under section 125.22 of this chapter, the  
20 sentence shall reflect a class A-II felony;

21 34. For offenses committed under section 125.26 of this chapter, the  
22 sentence shall reflect a class A-II felony;

23 35. For offenses committed under section 125.27 of this chapter, the  
24 sentence shall reflect a class A-II felony;

25 36. For offenses committed under section 130.20 of this chapter, the  
26 sentence shall reflect a class E felony;

27 37. For offenses committed under section 130.25 of this chapter, the  
28 sentence shall reflect a class D felony;

29 38. For offenses committed under section 130.30 of this chapter, the  
30 sentence shall reflect a class C felony;

31 39. For offenses committed under section 130.35 of this chapter, the  
32 sentence shall reflect a class A felony;

33 40. For offenses committed under section 130.52 of this chapter, the  
34 sentence shall reflect a class E felony;

35 41. For offenses committed under section 130.53 of this chapter, the  
36 sentence shall reflect a class D felony;

37 42. For offenses committed under section 130.55 of this chapter, the  
38 sentence shall reflect a class A misdemeanor;

39 43. For offenses committed under section 130.60 of this chapter, the  
40 sentence shall reflect a class E felony;

41 44. For offenses committed under section 130.65 of this chapter, the  
42 sentence shall reflect a class C felony;

43 45. For offenses committed under section 130.65-a of this chapter, the  
44 sentence shall reflect a class D felony;

45 46. For offenses committed under section 130.66 of this chapter, the  
46 sentence shall reflect a class C felony;

47 47. For offenses committed under under section 130.67 of this chapter,  
48 the sentence shall reflect a class B felony;

49 48. For offenses committed under under section 130.70 of this chapter,  
50 the sentence shall reflect a class A felony;

51 49. For offenses committed under under section 130.75 of this chapter,  
52 the sentence shall reflect a class A felony;

53 50. For offenses committed under under section 130.80 of this chapter,  
54 the sentence shall reflect a class D felony;

55 51. For offenses committed under under section 130.90 of this chapter,  
56 the sentence shall reflect a class C felony;

- 1 52. For offenses committed under under section 135.05 of this chapter,  
2 the sentence shall reflect a class E felony;
- 3 53. For offenses committed under section 135.10 of this chapter, the  
4 sentence shall reflect a class D felony;
- 5 54. For offenses committed under section 135.20 of this chapter, the  
6 sentence shall reflect a class A felony;
- 7 55. For offenses committed under section 135.45 of this chapter, the  
8 sentence shall reflect a class E felony;
- 9 56. For offenses committed under section 135.50 of this chapter, the  
10 sentence shall reflect a class D felony;
- 11 57. For offenses committed under section 140.05 of this chapter, the  
12 sentence shall reflect a class B misdemeanor;
- 13 58. For offenses committed under section 140.10 of this chapter, the  
14 sentence shall reflect a class A misdemeanor;
- 15 59. For offenses committed under subdivision one of section 140.15 of  
16 this chapter, the sentence shall reflect a class E felony;
- 17 60. For offenses committed under section 140.17 of this chapter, the  
18 sentence shall reflect a class C felony;
- 19 61. For offenses committed under section 140.20 of this chapter, the  
20 sentence shall reflect a class C felony;
- 21 62. For offenses committed under section 140.25 of this chapter, the  
22 sentence shall reflect a class B felony;
- 23 63. For offenses committed under section 140.30 of this chapter, the  
24 sentence shall reflect a class A felony;
- 25 64. For offenses committed under section 140.35 of this chapter, the  
26 sentence shall reflect a class E felony;
- 27 65. For offenses committed under section 140.40 of this chapter, the  
28 sentence shall reflect a class A misdemeanor;
- 29 66. For offenses committed under section 145.05 of this chapter, the  
30 sentence shall reflect a class D felony;
- 31 67. For offenses committed under section 145.10 of this chapter, the  
32 sentence shall reflect a class C felony;
- 33 68. For offenses committed under section 145.12 of this chapter, the  
34 sentence shall reflect a class A felony;
- 35 69. For offenses committed under section 145.14 of this chapter, the  
36 sentence shall reflect a class A misdemeanor;
- 37 70. For offenses committed under section 145.15 of this chapter, the  
38 sentence shall reflect a class E felony;
- 39 71. For offenses committed under section 145.20 of this chapter, the  
40 sentence shall reflect a class D felony;
- 41 72. For offenses committed under section 145.30 of this chapter, the  
42 sentence shall reflect a class B misdemeanor;
- 43 73. For offenses committed under section 145.60 of this chapter, the  
44 sentence shall reflect a class E felony;
- 45 74. For offenses committed under section 145.70 of this chapter, the  
46 sentence shall reflect a class E felony;
- 47 75. For offenses committed under section 150.01 of this chapter, the  
48 sentence shall reflect a class E felony;
- 49 76. For offenses committed under section 150.05 of this chapter, the  
50 sentence shall reflect a class D felony;
- 51 77. For offenses committed under section 150.10 of this chapter, the  
52 sentence shall reflect a class B felony;
- 53 78. For offenses committed under section 150.15 of this chapter, the  
54 sentence shall reflect a class A felony;
- 55 79. For offenses committed under section 150.20 of this chapter, the  
56 sentence shall reflect a class A-II felony;

1 80. For offenses committed under section 160.05 of this chapter, the  
2 sentence shall reflect a class C felony;

3 81. For offenses committed under section 160.10 of this chapter, the  
4 sentence shall reflect a class B felony;

5 82. For offenses committed under section 160.15 of this chapter, the  
6 sentence shall reflect a class A felony;

7 83. For offenses committed under section 490.10 of this chapter, the  
8 sentence shall reflect a class C felony;

9 84. For offenses committed under section 490.15 of this chapter, the  
10 sentence shall reflect a class B felony;

11 85. For offenses committed under section 490.20 of this chapter, the  
12 sentence shall reflect a class C felony;

13 86. For offenses committed under section 490.30 of this chapter, the  
14 sentence shall reflect a class B felony;

15 87. For offenses committed under section 490.35 of this chapter, the  
16 sentence shall reflect a class A-II felony;

17 88. For offenses committed under section 490.37 of this chapter, the  
18 sentence shall reflect a class B felony;

19 89. For offenses committed under section 490.40 of this chapter, the  
20 sentence shall reflect a class A-II felony;

21 90. For offenses committed under section 490.45 of this chapter, the  
22 sentence shall reflect a class A-II felony; and

23 91. For offenses committed under section 490.50 of this chapter, the  
24 sentence shall reflect a class A-I felony.

25 § 4. Subdivision 3 of section 140.17 of the penal law, as added by  
26 chapter 341 of the laws of 1969, is amended and a new subdivision 4 is  
27 added to read as follows:

28 3. Knows that another participant in the crime possesses a firearm,  
29 rifle or shotgun under circumstances described in subdivision two[+] of  
30 this section; or

31 4. Was previously convicted of any provision of this article and was  
32 served with notice that their privileges to utilize buildings, facili-  
33 ties or transportation services owned, leased or operated by the metro-  
34 politan transportation authority were suspended or revoked.

35 § 5. The criminal procedure law is amended by adding a new section  
36 380.67 to read as follows:

37 § 380.67 Offense which is committed in or upon a building, facility,  
38 property, vehicle or train owned, leased or operated by the  
39 metropolitan transportation authority; suspension or revoca-  
40 tion.

41 1. Upon conviction of any provisions specified in article 120, 121,  
42 125, 130, 135, 140, 145, 150, 160, or 490 of the penal law and where  
43 matter occurred while in or upon a building, facility, property, vehicle  
44 or train owned, leased or operated by the metropolitan transportation  
45 authority and such conviction resulted in the enhancement of such  
46 sentence pursuant to section 70.11 of the penal law, the metropolitan  
47 transportation authority may prevent entry and usage of its services by  
48 serving notice upon the convicted person that their privileges to  
49 utilize the authority's buildings, facilities or transportation services  
50 are suspended or revoked.

51 2. The metropolitan transportation authority shall promulgate rules  
52 and regulations for the notice required pursuant to subdivision one of  
53 this section and shall provide for an administrative appeal process to  
54 review its actions upon request from the person denied access.

55 § 6. This act shall take effect on the sixtieth day after it shall  
56 have become a law.