

STATE OF NEW YORK

9938

IN SENATE

April 16, 2026

Introduced by Sen. CHAN -- 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 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.