§ 200.61 Indictment; special information for operators of for-hire vehicles.

1. The provisions of this section shall govern the procedures for determining whether a defendant is eligible to receive the sentence set forth in subdivision one of section 60.07 of the penal law upon conviction of a specified offense as defined in subdivision two of such section 60.07.

2. To receive the sentence set forth in subdivision one of section 60.07 of the penal law, an indictment for such specified offense must be accompanied by a special information, filed by the district attorney with the court, alleging that the victim of such offense was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the commission of such offense.

3. Prior to the commencement of the trial, the court, in the absence of the jury, must arraign the defendant upon such special information, and must advise him that he may admit that the alleged victim of such offense was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the alleged commission of such offense, deny such allegation or remain mute. Depending upon the defendant's response, the trial of the indictment must proceed as follows:

(a) If the defendant admits that the alleged victim of such specified offense charged was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the commission of such alleged offense, such allegation, and only such allegation, shall be deemed established for purposes of eligibility, if the defendant is convicted of the underlying specified offense, for a sentence pursuant to subdivision one of section 60.07 of the penal law.

(b) If the defendant denies such allegation or remains mute, the people may, by proof beyond a reasonable doubt, prove as part of their case before the jury or, where the defendant has waived a jury trial, the court, that the alleged victim of such offense was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the commission of the offense.

4. Where a jury, pursuant to paragraph (b) of subdivision three of this section, is charged with determining whether the alleged victim of such specified offense was operating a for-hire vehicle in the course of providing for-hire vehicle services, such jury shall consider and render its verdict on such matter only if it convicts the defendant of such specified offense or specified offenses charged.

5. For purposes of this section, the terms "for-hire vehicle", "for-hire vehicle services" and "specified offense" shall have the meanings set forth in section 60.07 of the penal law.