STATE OF NEW YORK

3967--B

Cal. No. 1252

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. SEPULVEDA, CLEARE, COMRIE, FERNANDEZ, HARCKHAM, HOYLMAN-SIGAL, JACKSON, KRUEGER, MATTERA, MAY, MURRAY, MYRIE, O'MARA, RIVERA, SALAZAR, SANDERS, SERRANO, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to individuals engaged in prostitution who are victims of or witnesses to a crime

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 230.45 to read as follows:

§ 230.45 Limited immunity from prosecution.

1. This section applies where a person is the victim of or a witness to a crime (including an individual who becomes aware that another person is a victim of a crime), and has engaged or is alleged to have engaged in an act prohibited under section 230.00 or 230.03 of this article at or in reasonable proximity to the time of the crime or under circumstances reasonably related to the crime, and, in good faith but not prior to, during or subsequent to an arrest or investigation for such prohibited act, (a) reports the crime to a criminal law enforcement agency, (b) if medically necessary, seeks or receives health care services as a result of the crime, or (c) attempts to assist in the investigation or prosecution of the crime. No such victim or witness to the crime shall be charged or prosecuted for an offense under section 230.00 or 230.03 of this article which is alleged to have been committed at or in reasonable proximity to the time of the crime or under circumstances reasonably related to the crime for which the person is a victim

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

LBD00064-05-5

or witness. As used in this section, "crime" shall include an act that reasonably appears to be a crime, regardless of whether it results in a conviction as a crime.

2. Where a victim or witness to a crime believes that the conditions for immunity pursuant to subdivision one of this section have been met and such victim or witness has been erroneously charged under section 230.00 or 230.03 of this article, such victim or witness may request a hearing to be conducted no later than fifteen days after the charge or charges have been filed to move the court to decide whether conditions for immunity have been met. At such hearing, the court shall be permitted to accept all legally permitted evidence, including legally permissible hearsay, in support of both parties. If, after conducting such hearing, and by clear and convincing evidence, the court determines that the conditions for immunity were met, then the charge or charges shall be dismissed. If, after conducting such hearing, the court determines that the conditions for immunity were not met, then the charges shall not be dismissed and immunity shall be denied.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law, and shall apply to any prosecution pending on or after the time it shall take effect.