

2598

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, ARROYO, GREENE, SPANO, CLARK, GALEF,
GUNTHER -- Multi-Sponsored by -- M. of A. HOOPER, HYER-SPENCER, JOHN,
MAISEL, MAYERSOHN, REILLY, WEISENBERG -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to prostitution crimes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 230.30 of the penal law, as amended by chapter 627
2 of the laws of 1978, is amended to read as follows:
3 S 230.30 Promoting prostitution in the second degree.
4 A person is guilty of promoting prostitution in the second degree when
5 he knowingly:
6 1. Advances prostitution by compelling a person by force or intim-
7 idation to engage in prostitution, or profits from such coercive conduct
8 by another; [or]
9 2. Advances or profits from prostitution of a person less than sixteen
10 years old[.];
11 3. *COMMITTS THE CRIME OF PROMOTING PROSTITUTION IN THE THIRD DEGREE AND*
12 *THE MANAGING, SUPERVISING, CONTROLLING OR OWNING OF THE PROSTITUTION*
13 *BUSINESS OR ENTERPRISE INVOLVING PROSTITUTION INVOLVES THE USE OF AN*
14 *INTERNET WEBSITE; OR*
15 4. *COMMITTS THE CRIME OF PROMOTING PROSTITUTION IN THE THIRD DEGREE AND*
16 *HE OR SHE HAS BEEN PREVIOUSLY CONVICTED OF THE CRIME OF PROMOTING PROS-*
17 *TITUTION IN THE THIRD DEGREE FOUR OR MORE TIMES.*
18 Promoting prostitution in the second degree is a class C felony.
19 S 2. Section 230.05 of the penal law, as added by chapter 627 of the
20 laws of 1978, is amended to read as follows:
21 S 230.05 Patronizing a prostitute in the second degree.
22 A person is guilty of patronizing a prostitute in the second degree
23 when, being over eighteen years of age, he [patronizes] OR SHE:

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

LBD03409-01-9

1 1. PATRONIZES a prostitute and the person patronized is less than
2 fourteen years of age; OR
3 2. HE OR SHE COMMITS THE CRIME OF PATRONIZING A PROSTITUTE IN THE
4 FOURTH DEGREE OR PATRONIZING A PROSTITUTE IN THE THIRD DEGREE AND HE OR
5 SHE HAS BEEN PREVIOUSLY CONVICTED OF THE CRIME OF PATRONIZING A PROSTI-
6 TUTE IN THE FOURTH DEGREE OR PATRONIZING A PROSTITUTE IN THE THIRD
7 DEGREE, OR ANY COMBINATION OF SUCH CRIMES, FOUR OR MORE TIMES.
8 Patronizing a prostitute in the second degree is a class E felony.
9 S 3. This act shall take effect on the first of November next succeed-
10 ing the date on which it shall have become a law.