S T A T E O F N E W Y O R K

802

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, COOK, ZEBROWSKI, GUNTHER, FIELDS, JAFFEE, MILLMAN, DelMONTE, KOON, PERALTA, LANCMAN, WEISENBERG, CUSICK, EDDINGTON, MARKEY -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BOYLAND, BRADLEY, CHRISTENSEN, HYER-SPENCER, JOHN, PHEFFER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prostitution offenses and to repeal section 230.07 of the penal law relating thereto

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 230.03 to read as follows:

S 230.03 PATRONIZING A PROSTITUTE IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF PATRONIZING A PROSTITUTE IN THE FOURTH DEGREE WHEN HE OR SHE PATRONIZES A PROSTITUTE.

PATRONIZING A PROSTITUTE IN THE FOURTH DEGREE IS A CLASS A MISDEMEANOR.

S 2. Section 230.04 of the penal law, as amended by chapter 74 of the laws of 2007, is amended to read as follows:

S 230.04 Patronizing a prostitute in the third degree.

A person is guilty of patronizing a prostitute in the third degree when, BEING TWENTY-ONE YEARS OLD OR MORE, he or she patronizes a prostitute AND THE PERSON PATRONIZED IS LESS THAN SEVENTEEN YEARS OLD.

Patronizing a prostitute in the third degree is a class [A misdemeanor] E FELONY.

S 3. Section 230.05 of the penal law, as added by chapter 627 of the laws of 1978, is amended to read as follows:

S 230.05 Patronizing a prostitute in the second degree.

A person is guilty of patronizing a prostitute in the second degree when, being [over] eighteen years [of age] OLD OR MORE, he OR SHE

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

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patronizes a prostitute and the person patronized is less than [fourteen] FIFTEEN years [of age] OLD.

Patronizing a prostitute in the second degree is a class [E] D felony.

S 4. Section 230.06 of the penal law, as added by chapter 627 of the laws of 1978, is amended to read as follows:

S 230.06 Patronizing a prostitute in the first degree.

A person is guilty of patronizing a prostitute in the first degree when:

1. he OR SHE patronizes a prostitute and the person patronized is less than eleven years [of age] OLD; OR

2. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PROSTITUTE AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD.

Patronizing a prostitute in the first degree is a class [D] C felony.

S 5. Section 230.07 of the penal law is REPEALED.

S 6. Section 230.25 of the penal law, as amended by chapter 627 of the laws of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007, is amended to read as follows:

S 230.25 Promoting prostitution in the third degree.

A person is guilty of promoting prostitution in the third degree when he OR SHE knowingly:

1. Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes, or a business that sells travel-related services knowing that such services include or are intended to facilitate travel for the purpose of patronizing a prostitute, including to a foreign jurisdiction and regardless of the legality of prostitution in said foreign jurisdiction; or

2. Advances or profits from prostitution of a person less than [nineteen] SEVENTEEN years old.

Promoting prostitution in the third degree is a class D felony.

S 7. Section 230.30 of the penal law, as amended by chapter 627 of the laws of 1978, is amended to read as follows:

S 230.30 Promoting prostitution in the second degree.

A person is guilty of promoting prostitution in the second degree when he OR SHE knowingly:

1. Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or

2. Advances or profits from prostitution of a person less than [sixteen] FIFTEEN years old.

Promoting prostitution in the second degree is a class C felony.

S 8. Section 230.32 of the penal law, as added by chapter 627 of the laws of 1978, is amended to read as follows:

S 230.32 Promoting prostitution in the first degree.

A person is guilty of promoting prostitution in the first degree when:

1. he OR SHE knowingly advances or profits from prostitution of a person less than eleven years old; OR

2. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE KNOWINGLY ADVANCES OR PROFITS FROM PROSTITUTION OF A PERSON LESS THAN THIRTEEN YEARS OLD.

Promoting prostitution in the first degree is a class B felony.

S 9. Section 230.33 of the penal law, as added by chapter 450 of the laws of 2005, is amended to read as follows:

S 230.33 Compelling prostitution.

A person is guilty of compelling prostitution when, being twenty-one years [of age or older] OLD OR MORE, he or she knowingly advances pros-

titution by compelling a person less than [sixteen] SEVENTEEN years old, by force or intimidation, to engage in prostitution.

Compelling prostitution is a class B felony.

S 10. This act shall take effect on the ninetieth day after it shall have become a law.