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

9597

I N A S S E M B L Y

March 20, 2012

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Codes

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

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 230.37 to read as follows:

S 230.37 FACILITATION.

1. A PERSON COMMITS FACILITATION WHEN HE OR SHE COMMITS A SPECIFIED OFFENSE AND USES A COMMERCIAL SOCIAL NETWORKING WEBSITE, ONLINE COMMUNITY OR OTHER WEBSITE TO FACILITATE SUCH OFFENSE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS CONVICTED OF FACILITATION PURSUANT TO THIS SECTION AND THE SPECIFIED OFFENSE IS A MISDEMEANOR OR FELONY, THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE SHALL BE INCREASED BY ONE YEAR.

3. A "SPECIFIED OFFENSE" IS AN OFFENSE DEFINED BY ANY OF THE FOLLOWING PROVISIONS OF THIS ARTICLE: SECTION 230.20 (PROMOTING PROSTITUTION IN THE FOURTH DEGREE), SECTION 230.25 (PROMOTING PROSTITUTION IN THE THIRD DEGREE), SECTION 230.30 (PROMOTING PROSTITUTION IN THE SECOND DEGREE), SECTION 230.32 (PROMOTING PROSTITUTION IN THE FIRST DEGREE), SECTION 230.34 (SEX TRAFFICKING) OR ANY ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE FOREGOING OFFENSES.

4. AS USED IN THIS SECTION:

(A) "COMMERCIAL SOCIAL NETWORKING WEBSITE" SHALL MEAN ANY BUSINESS, ORGANIZATION OR OTHER ENTITY OPERATING A WEBSITE THAT PERMITS PERSONS TO BE REGISTERED USERS FOR THE PURPOSE OF ESTABLISHING PERSONAL RELATIONSHIPS WITH OTHER USERS, WHERE SUCH PERSONS MAY: (I) CREATE WEB PAGES OR PROFILES THAT PROVIDE INFORMATION ABOUT THEMSELVES WHERE SUCH WEB PAGES OR PROFILES ARE AVAILABLE TO THE PUBLIC OR TO OTHER USERS; (II) ENGAGE IN DIRECT OR REAL TIME COMMUNICATION WITH OTHER USERS, SUCH AS CHAT ROOM OR INSTANT MESSENGER; AND (III) COMMUNICATE WITH THE PUBLIC OR OTHER USERS.

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

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(B) "ONLINE COMMUNITY" SHALL MEAN AN INFORMATION SYSTEM WHERE CONTENT MAY BE POSTED AND MAY OR MAY NOT RESTRICT TO PARTICULAR USERS. THIS SHALL INCLUDE BUT NOT BE LIMITED TO BLOGS, INTERNET CLASSIFIED SITES, AND WEB BULLETIN-BOARDS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.