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

1313

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offenses of patronizing a prostitute within one thousand feet of school grounds, promoting prostitution within one thousand feet of school grounds, compelling prostitution within one thousand feet of school grounds and permitting prostitution within one thousand feet of school grounds.

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 230.06-a to read as follows:

S 230.06-A PATRONIZING A PROSTITUTE WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS.

1. ANY PERSON WHO PATRONIZES A PROSTITUTE WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, SHALL BE GUILTY OF A CLASS E FELONY.

2. ANY PERSON OVER EIGHTEEN YEARS OF AGE, WHO PATRONIZES A PROSTITUTE WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, AND THE PERSON PATRONIZED IS LESS THAN FOURTEEN YEARS OF AGE IS GUILTY OF A CLASS D FELONY.

3. ANY PERSON WHO PATRONIZES A PROSTITUTE WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OF AGE IS GUILTY OF A CLASS C FELONY.

4. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THIS CHAPTER.

S 2. The penal law is amended by adding a new section 230.32-a to read as follows:

S 230.32-A PROMOTING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS.

1. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM PROSTITUTION OCCURRING WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS IS GUILTY OF A CLASS E FELONY.

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

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2. ANY PERSON, WHO KNOWINGLY ADVANCES OR PROFITS FROM: (A) PROSTITUTION OCCURRING WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, BY MANAGING, SUPERVISING, CONTROLLING OR OWNING, EITHER ALONE OR IN ASSOCIATION WITH OTHERS, A HOUSE OF PROSTITUTION OR A PROSTITUTION BUSINESS OR ENTERPRISE, LOCATED WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, 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 WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, INCLUDING TO A FOREIGN JURISDICTION AND REGARDLESS OF THE LEGALITY OF PROSTITUTION IN SAID FOREIGN JURISDICTION; OR (B) ADVANCES OR PROFITS FROM PROSTITUTION OF A PERSON LESS THAN NINETEEN YEARS OLD WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, IS GUILTY OF A CLASS C FELONY.

3. ANY PERSON WHO KNOWINGLY (A) ADVANCES PROSTITUTION, WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, BY COMPELLING A PERSON BY FORCE OR INTIMIDATION TO ENGAGE IN PROSTITUTION, WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, OR PROFITS FROM SUCH COERCIVE CONDUCT BY ANOTHER WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS; OR (B) ADVANCES OR PROFITS FROM PROSTITUTION, OCCURRING WITHIN ONE THOUSAND FEET OR SCHOOL GROUNDS, OF A PERSON LESS THAN SIXTEEN YEARS OLD, IS GUILTY OF A CLASS B FELONY.

4. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM PROSTITUTION, OCCURRING WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, OF A PERSON LESS THAN ELEVEN YEARS OLD IS GUILTY OF A CLASS A FELONY.

5. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THIS CHAPTER.

S 3. The penal law is amended by adding a new section 230.33-a to read as follows:

S 230.33-A COMPELLING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS.

1. A PERSON IS GUILTY OF COMPELLING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, WHEN SUCH PERSON IS TWENTY-ONE YEARS OF AGE OR OLDER, AND HE OR SHE KNOWINGLY ADVANCES PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS BY COMPELLING A PERSON LESS THAN SIXTEEN YEARS OLD, BY FORCE OR INTIMIDATION, TO ENGAGE IN PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS.

2. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THIS CHAPTER.

COMPELLING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS IS A CLASS A FELONY.

S 4. The penal law is amended by adding a new section 230.41 to read as follows:

S 230.41 PERMITTING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS.

1. A PERSON IS GUILTY OF PERMITTING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS, WHEN HAVING POSSESSION OR CONTROL OF PREMISES LOCATED WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS WHICH HE KNOWS ARE BEING USED FOR PROSTITUTION PURPOSES, HE OR SHE FAILS TO MAKE A REASONABLE EFFORT TO HALT OR ABATE SUCH USE.

2. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THIS CHAPTER.

PERMITTING PROSTITUTION WITHIN ONE THOUSAND FEET OF SCHOOL GROUNDS IS A CLASS A MISDEMEANOR.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.