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

1415--C

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- 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 -- again amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Section 230.03 of the penal law is renumbered section 230.01 and a new section 230.03 is added 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 230.19 of the penal law, as added by chapter 191 of the laws of 2011, is amended to read as follows:

S 230.19 Promoting prostitution in a school zone.

1. A person is guilty of promoting prostitution in a school zone when, being nineteen years of age or older, he or she knowingly advances or profits from prostitution that he or she knows or reasonably should know is or will be committed in violation of section [230.03] 230.01 of this article in a school zone during the hours that school is in session.

2. For purposes of this section, "school zone" shall mean "school zone" as defined in subdivision two of section [230.03] 230.01 of this article.

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

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Promoting prostitution in a school zone is a class E felony.

S 3. 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 4. 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 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 5. 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 6. Section 230.07 of the penal law is REPEALED.

S 7. 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 he OR SHE knowingly advances or profits from prostitution of a person less than [eleven] THIRTEEN years old.

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

S 8. 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 prostitution 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 9. This act shall take effect on the ninetieth day after it shall have become a law.