

8943

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT to amend the penal law, in relation to loitering for the purpose of engaging in prostitution by persons under the age of sixteen

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

1 Section 1. Section 240.37 of the penal law, as added by chapter 344 of  
2 the laws of 1976, is amended to read as follows:

3 S 240.37 Loitering for the purpose of engaging in a prostitution  
4 offense.

5 1. For the purposes of this section, "public place" means any street,  
6 sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot  
7 or transportation facility or the doorways and entrance ways to any  
8 building which fronts on any of the aforesaid places, or a motor vehicle  
9 in or on any such place.

10 2. [Any] EXCEPT AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, ANY  
11 person who remains or wanders about in a public place and repeatedly  
12 beckons to, or repeatedly stops, or repeatedly attempts to stop,  
13 PASSERS-BY, or repeatedly attempts to engage passers-by in conversation,  
14 or repeatedly stops or attempts to stop motor vehicles, or repeatedly  
15 interferes with the free passage of other persons, for the purpose of  
16 prostitution, or of patronizing a prostitute as those terms are defined  
17 in article two hundred thirty of [the penal law] THIS PART, shall be  
18 guilty of a violation and is guilty of a class B misdemeanor if such  
19 person has previously been convicted of a violation of this section or  
20 of [sections] SECTION 230.00 or 230.05 of [the penal law] THIS PART.

21 3. Any person who remains or wanders about in a public place and  
22 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to  
23 stop, PASSERS-BY, or repeatedly attempts to engage passers-by in conver-  
24 sation, or repeatedly stops or attempts to stop motor vehicles, or  
25 repeatedly interferes with the free passage of other persons, for the  
26 purpose of promoting prostitution as defined in article two hundred  
27 thirty of [the penal law] THIS PART is guilty of a class A misdemeanor.

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

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1 4. ANY PERSON UNDER THE AGE OF SIXTEEN WHO REMAINS OR WANDERS ABOUT IN  
2 A PUBLIC PLACE AND REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR  
3 REPEATEDLY ATTEMPTS TO STOP, PASSERS-BY, OR REPEATEDLY ATTEMPTS TO  
4 ENGAGE PASSERS-BY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO  
5 STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF  
6 OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION AS DEFINED IN ARTICLE TWO  
7 HUNDRED THIRTY OF THIS PART, SHALL BE ADJUDGED A JUVENILE DELINQUENT.  
8 S 2. This act shall take effect on the ninetieth day after it shall  
9 have become a law.