

116

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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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, the correction law, the criminal procedure law, the civil rights law, the executive law, the family court act, the mental hygiene law, the multiple dwelling law, the public health law, the real property actions and proceedings law, the real property law and the vehicle and traffic law, in relation to prostitution offenses and creating the crime of sexual exploitation of a child

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

1     Section 1. Section 230.00 of the penal law, as amended by chapter 169  
2     of the laws of 1969, is amended to read as follows:  
3     S 230.00 [Prostitution] CRIMINAL PROSTITUTION.  
4     A person is guilty of CRIMINAL prostitution when, BEING SEVENTEEN  
5     YEARS OLD OR MORE, such person engages or agrees or offers to engage in  
6     sexual conduct with another person in return for a fee.  
7     [Prostitution] CRIMINAL PROSTITUTION is a class B Misdemeanor.  
8     S 2. The penal law is amended by adding a new section 230.01 to read  
9     as follows:  
10    S 230.01 UNLAWFUL PROSTITUTION.  
11    A PERSON IS GUILTY OF UNLAWFUL PROSTITUTION WHEN, BEING LESS THAN  
12    SEVENTEEN YEARS OLD, SUCH PERSON ENGAGES OR AGREES OR OFFERS TO ENGAGE  
13    IN SEXUAL CONDUCT WITH ANOTHER PERSON IN RETURN FOR A FEE.  
14    UNLAWFUL PROSTITUTION IS A VIOLATION, PROVIDED, HOWEVER, THAT ANY  
15    PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A CRIME DEFINED IN THIS  
16    ARTICLE OR SECTION 240.37 OF THIS PART SHALL BE GUILTY OF A CLASS B  
17    MISDEMEANOR.  
18    S 3. Sections 230.05 and 230.06 of the penal law, as added by chapter  
19    627 of the laws of 1978, are amended to read as follows:  
20    S 230.05 Patronizing a prostitute in the second degree.

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

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1 A person is guilty of patronizing a prostitute in the second degree  
2 when, being [over eighteen] TWENTY-ONE years of age OR MORE, he patron-  
3 izes a prostitute and the person patronized is less than [fourteen]  
4 SEVENTEEN years of age.

5 Patronizing a prostitute in the second degree is a class E felony.

6 S 230.06 Patronizing a prostitute in the first degree.

7 A person is guilty of patronizing a prostitute in the first degree  
8 when, BEING EIGHTEEN YEARS OF AGE OR MORE, he patronizes a prostitute  
9 and the person patronized is less than [eleven] FIFTEEN years of age.

10 Patronizing a prostitute in the first degree is a class D felony.

11 S 4. The penal law is amended by adding a new section 230.06-a to read  
12 as follows:

13 S 230.06-A SEXUAL EXPLOITATION OF A CHILD.

14 A PERSON IS GUILTY OF SEXUAL EXPLOITATION OF A CHILD WHEN:

15 1. BEING EIGHTEEN YEARS OF AGE OR MORE HE PATRONIZES A PROSTITUTE AND  
16 THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OF AGE; OR

17 2. HE PATRONIZES A PROSTITUTE AND THE PERSON PATRONIZED IS LESS THAN  
18 ELEVEN YEARS OF AGE.

19 SEXUAL EXPLOITATION OF A CHILD IS A CLASS B FELONY.

20 S 5. Section 230.07 of the penal law, as amended by chapter 74 of the  
21 laws of 2007, is amended to read as follows:

22 S 230.07 Patronizing a prostitute; defense.

23 In any prosecution for patronizing a prostitute in the first or second  
24 degrees OR SEXUAL EXPLOITATION OF A CHILD, it is [a] AN AFFIRMATIVE  
25 defense that the defendant did not have reasonable grounds to believe  
26 that the person was less than the age specified.

27 S 6. The opening paragraph of section 230.10 of the penal law is  
28 amended to read as follows:

29 In any prosecution for SEXUAL EXPLOITATION OF A CHILD, prostitution or  
30 patronizing a prostitute, the sex of the two parties or prospective  
31 parties to the sexual conduct engaged in, contemplated or solicited is  
32 immaterial, and it is no defense that:

33 S 7. The penal law is amended by adding a new section 230.11 to read  
34 as follows:

35 S 230.11 PROSTITUTION; DEFENSE.

36 IN ANY PROSECUTION FOR UNLAWFUL PROSTITUTION OR CRIMINAL PROSTITUTION,  
37 IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT IS A VICTIM OF SEX TRAF-  
38 FICKING.

39 S 8. Subdivision 2 of section 230.30 of the penal law, as amended by  
40 chapter 627 of the laws of 1978, is amended to read as follows:

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

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

45 S 230.33 Compelling prostitution.

46 A person is guilty of compelling prostitution when, being twenty-one  
47 years of age or older, he or she knowingly advances prostitution by  
48 compelling a person less than [sixteen] SEVENTEEN years old, by force or  
49 intimidation, to engage in prostitution.

50 Compelling prostitution is a class B felony.

51 S 10. Subdivision 2 of section 240.37 of the penal law, as added by  
52 chapter 344 of the laws of 1976, is amended to read as follows:

53 2. Any person who remains or wanders about in a public place and  
54 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to  
55 stop, or repeatedly attempts to engage passers-by in conversation, or  
56 repeatedly stops or attempts to stop motor vehicles, or repeatedly

interferes with the free passage of other persons, for the purpose of prostitution, or of patronizing a prostitute as those terms are defined in article two hundred thirty of [the penal law] THIS CHAPTER, shall be guilty of a violation and is guilty of a class B misdemeanor if such person has previously been convicted of a violation of this section or of [sections] SECTION 230.00, 230.01 or 230.05 of [the penal law] THIS PART.

S 11. Section 60.13 of the penal law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

S 60.13 Authorized dispositions; felony sex offenses.

When a person is to be sentenced upon a conviction for any felony defined in article one hundred thirty of this chapter, including a sexually motivated felony, or patronizing a prostitute in the first degree as defined in section 230.06 of this chapter, SEXUAL EXPLOITATION OF A CHILD AS DEFINED IN SECTION 230.06-A OF THIS CHAPTER, incest in the second degree as defined in section 255.26 of this chapter, or incest in the first degree as defined in section 255.27 of this chapter, or a felony attempt or conspiracy to commit any of these crimes, the court must sentence the defendant in accordance with the provisions of section 70.80 of this title.

S 12. Paragraph (a) of subdivision 1 of section 70.80 of the penal law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

(a) For the purposes of this section, a "felony sex offense" means a conviction of any felony defined in article one hundred thirty of this chapter, including a sexually motivated felony, or patronizing a prostitute in the first degree as defined in section 230.06 of this chapter, incest in the second degree as defined in section 255.26 of this chapter, SEXUAL EXPLOITATION OF A CHILD AS DEFINED IN SECTION 230.06-A OF THIS CHAPTER, or incest in the first degree as defined in section 255.27 of this chapter, or a felony attempt or conspiracy to commit any of the above.

S 13. Subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law, as amended by chapter 405 of the laws of 2008, is amended to read as follows:

(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05 [or], 230.06 OR 230.06-A, or subdivision two of section 230.30, or section 230.32 or 230.33 of the penal law, or

S 14. Subdivision 2 of section 60.42 of the criminal procedure law, as added by chapter 230 of the laws of 1975, is amended to read as follows:

2. proves or tends to prove that the victim has been convicted of an offense under section 230.00 OR 230.01 of the penal law within three years prior to the sex offense which is the subject of the prosecution; or

S 15. Paragraph (d) of subdivision 1 of section 160.10 of the criminal procedure law, as amended by chapter 232 of the laws of 2010, is amended and a new paragraph (e) is added to read as follows:

(d) Loitering for the purpose of engaging in a prostitution offense as defined in subdivision two of section 240.37 of the penal law[.]; OR

1 (E) UNLAWFUL PROSTITUTION AS DEFINED IN SECTION 230.01 OF THE PENAL  
2 LAW.

3 S 16. Subdivision 6 of section 380.50 of the criminal procedure law,  
4 as amended by chapter 320 of the laws of 2006, is amended to read as  
5 follows:

6 6. Regardless of whether the victim requests to make a statement with  
7 regard to the defendant's sentence, where the defendant is sentenced for  
8 a violent felony offense as defined in section 70.02 of the penal law or  
9 a felony defined in article one hundred twenty-five of such law or any  
10 of the following provisions of such law sections 130.25, 130.30, 130.40,  
11 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,  
12 135.25, 230.05, 230.06, 230.06-A, subdivision two of section 230.30 or  
13 230.32, the prosecutor shall, within sixty days of the imposition of  
14 sentence, provide the victim with a form on which the victim may indi-  
15 cate a demand to be informed of any petition to change the name of such  
16 defendant. Such forms shall be maintained by such prosecutor. Upon  
17 receipt of a notice of a petition to change the name of any such defend-  
18 ant, pursuant to subdivision two of section sixty-two of the civil  
19 rights law, the prosecutor shall promptly notify the victim at the most  
20 current address or telephone number provided by such victim in the most  
21 reasonable and expedient possible manner of the time and place such  
22 petition will be presented to the court.

23 S 17. Subdivision 2 of section 61 of the civil rights law, as amended  
24 by chapter 320 of the laws of 2006, is amended to read as follows:

25 2. If the petitioner stands convicted of a violent felony offense as  
26 defined in section 70.02 of the penal law or a felony defined in article  
27 one hundred twenty-five of such law or any of the following provisions  
28 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,  
29 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
30 230.06-A, subdivision two of section 230.30 or 230.32, and is currently  
31 confined as an inmate in any correctional facility or currently under  
32 the supervision of the state division of parole or a county probation  
33 department as a result of such conviction, the petition shall for each  
34 such conviction specify such felony conviction, the date of such  
35 conviction or convictions, and the court in which such conviction or  
36 convictions were entered.

37 S 18. Subdivision 2 of section 62 of the civil rights law, as amended  
38 by chapter 320 of the laws of 2006, is amended to read as follows:

39 2. If the petition be to change the name of a person currently  
40 confined as an inmate in any correctional facility or currently under  
41 the supervision of the state division of parole or a county probation  
42 department as a result of a conviction for a violent felony offense as  
43 defined in section 70.02 of the penal law or a felony defined in article  
44 one hundred twenty-five of such law or any of the following provisions  
45 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,  
46 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
47 230.06-A, subdivision two of section 230.30 or 230.32, notice of the  
48 time and place when and where the petition will be presented shall be  
49 served, in like manner as a notice of a motion upon an attorney in an  
50 action, upon the district attorney of every county in which such person  
51 has been convicted of such felony and upon the court or courts in which  
52 the sentence for such felony was entered. Unless a shorter period of  
53 time is ordered by the court, said notice shall be served upon each such  
54 district attorney and court or courts not less than sixty days prior to  
55 the date on which such petition is noticed to be heard.

1 S 19. The closing paragraph of section 64 of the civil rights law, as  
2 separately amended by chapters 258, 320 and 481 of the laws of 2006, is  
3 amended to read as follows:

4 Upon compliance with the order and the filing of the affidavit of the  
5 publication, as provided in this section, the clerk of the court in  
6 which the order has been entered shall certify that the order has been  
7 complied with; and, if the petition states that the petitioner stands  
8 convicted of a violent felony offense as defined in section 70.02 of the  
9 penal law or a felony defined in article one hundred twenty-five of such  
10 law or any of the following provisions of such law sections 130.25,  
11 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred  
12 sixty-three, 135.10, 135.25, 230.05, 230.06, 230.06-A, subdivision two  
13 of section 230.30 or 230.32, such clerk (1) shall deliver, by first  
14 class mail, a copy of such certified order to the division of criminal  
15 justice services at its office in the county of Albany and (2) upon the  
16 clerk of the court reviewing the petitioner's application for name  
17 change and subsequent in-court inquiry, may, in the clerk's discretion,  
18 deliver, by first class mail, the petitioner's new name with such certi-  
19 fied order to the court of competent jurisdiction which imposed the  
20 orders of support. Such certification shall appear on the original  
21 order and on any certified copy thereof and shall be entered in the  
22 clerk's minutes of the proceeding.

23 S 20. Paragraph (d) of subdivision 7 of section 995 of the executive  
24 law, as amended by chapter 2 of the laws of 2006, is amended to read as  
25 follows:

26 (d) any of the following felonies, or an attempt thereof where such  
27 attempt is a felony offense:

28 aggravated assault upon a person less than eleven years old, as  
29 defined in section 120.12 of the penal law; menacing in the first  
30 degree, as defined in section 120.13 of the penal law; reckless endan-  
31 germent in the first degree, as defined in section 120.25 of the penal  
32 law; stalking in the second degree, as defined in section 120.55 of the  
33 penal law; criminally negligent homicide, as defined in section 125.10  
34 of the penal law; vehicular manslaughter in the second degree, as  
35 defined in section 125.12 of the penal law; vehicular manslaughter in  
36 the first degree, as defined in section 125.13 of the penal law;  
37 persistent sexual abuse, as defined in section 130.53 of the penal law;  
38 aggravated sexual abuse in the fourth degree, as defined in section  
39 130.65-a of the penal law; female genital mutilation, as defined in  
40 section 130.85 of the penal law; facilitating a sex offense with a  
41 controlled substance, as defined in section 130.90 of the penal law;  
42 unlawful imprisonment in the first degree, as defined in section 135.10  
43 of the penal law; custodial interference in the first degree, as defined  
44 in section 135.50 of the penal law; criminal trespass in the first  
45 degree, as defined in section 140.17 of the penal law; criminal tamper-  
46 ing in the first degree, as defined in section 145.20 of the penal law;  
47 tampering with a consumer product in the first degree, as defined in  
48 section 145.45 of the penal law; robbery in the third degree as defined  
49 in section 160.05 of the penal law; identity theft in the second degree,  
50 as defined in section 190.79 of the penal law; identity theft in the  
51 first degree, as defined in section 190.80 of the penal law; promoting  
52 prison contraband in the first degree, as defined in section 205.25 of  
53 the penal law; tampering with a witness in the third degree, as defined  
54 in section 215.11 of the penal law; tampering with a witness in the  
55 second degree, as defined in section 215.12 of the penal law; tampering  
56 with a witness in the first degree, as defined in section 215.13 of the

1 penal law; criminal contempt in the first degree, as defined in subdivi-  
2 sions (b), (c) and (d) of section 215.51 of the penal law; aggravated  
3 criminal contempt, as defined in section 215.52 of the penal law; bail  
4 jumping in the second degree, as defined in section 215.56 of the penal  
5 law; bail jumping in the first degree, as defined in section 215.57 of  
6 the penal law; patronizing a prostitute in the second degree, as defined  
7 in section 230.05 of the penal law; patronizing a prostitute in the  
8 first degree, as defined in section 230.06 of the penal law; SEXUAL  
9 EXPLOITATION OF A CHILD, AS DEFINED IN SECTION 230.06-A OF THE PENAL  
10 LAW; promoting prostitution in the second degree, as defined in section  
11 230.30 of the penal law; promoting prostitution in the first degree, as  
12 defined in section 230.32 of the penal law; compelling prostitution, as  
13 defined in section 230.33 of the penal law; disseminating indecent  
14 [materials] MATERIAL to minors in the second degree, as defined in  
15 section 235.21 of the penal law; disseminating indecent [materials]  
16 MATERIAL to minors in the first degree, as defined in section 235.22 of  
17 the penal law; riot in the first degree, as defined in section 240.06 of  
18 the penal law; criminal anarchy, as defined in section 240.15 of the  
19 penal law; aggravated harassment of an employee by an inmate, as defined  
20 in section 240.32 of the penal law; unlawful surveillance in the second  
21 degree, as defined in section 250.45 of the penal law; unlawful surveil-  
22 lance in the first degree, as defined in section 250.50 of the penal  
23 law; endangering the welfare of a vulnerable elderly person in the  
24 second degree, as defined in section 260.32 of the penal law; endanger-  
25 ing the welfare of a vulnerable elderly person in the first degree, as  
26 defined in section 260.34 of the penal law; use of a child in a sexual  
27 performance, as defined in section 263.05 of the penal law; promoting an  
28 obscene sexual performance by a child, as defined in section 263.10 of  
29 the penal law; possessing an obscene sexual performance by a child, as  
30 defined in section 263.11 of the penal law; promoting a sexual perform-  
31 ance by a child, as defined in section 263.15 of the penal law; possess-  
32 ing a sexual performance by a child, as defined in section 263.16 of the  
33 penal law; criminal possession of a weapon in the third degree, as  
34 defined in section 265.02 of the penal law; criminal sale of a firearm  
35 in the third degree, as defined in section 265.11 of the penal law;  
36 criminal sale of a firearm to a minor, as defined in section 265.16 of  
37 the penal law; unlawful wearing of a body vest, as defined in section  
38 270.20 of the penal law; hate crimes as defined in section 485.05 of the  
39 penal law; and crime of terrorism, as defined in section 490.25 of the  
40 penal law; or

41 S 21. Subdivision 2 of section 344.4 of the family court act, as added  
42 by chapter 761 of the laws of 1987, is amended to read as follows:

43 2. proves or tends to prove that the victim has been convicted of an  
44 offense under section 230.00 OR 230.01 of the penal law within three  
45 years prior to the sex offense which is the subject of the juvenile  
46 delinquency proceeding; or

47 S 22. Subdivision (p) of section 10.03 of the mental hygiene law, as  
48 added by chapter 7 of the laws of 2007, is amended to read as follows:

49 (p) "Sex offense" means an act or acts constituting: (1) any felony  
50 defined in article one hundred thirty of the penal law, including a  
51 sexually motivated felony; (2) patronizing a prostitute in the first  
52 degree as defined in section 230.06 of the penal law, incest in the  
53 second degree as defined in section 255.26 of the penal law, SEXUAL  
54 EXPLOITATION OF A CHILD AS DEFINED IN SECTION 230.06-A OF THE PENAL LAW,  
55 or incest in the first degree as defined in section 255.27 of the penal  
56 law; (3) a felony attempt or conspiracy to commit any of the foregoing

1 offenses set forth in this subdivision; or (4) a designated felony, as  
2 defined in subdivision (f) of this section, if sexually motivated and  
3 committed prior to the effective date of this article.

4 S 23. Subdivision 2 of section 353 of the multiple dwelling law, as  
5 amended by chapter 680 of the laws of 1967, is amended to read as  
6 follows:

7 2. If there be two or more convictions in such dwelling within a peri-  
8 od of six months, under sections 230.00, 230.01, 230.25, or 230.40 of  
9 the penal law.

10 S 24. Subdivision 1 of section 2302 of the public health law, as  
11 amended by chapter 680 of the laws of 1967, is amended to read as  
12 follows:

13 1. Every person arrested charged with a violation of section 230.00,  
14 230.01 or 230.40 of the penal law, or arrested for failure to comply  
15 with the order of a judge or justice issued pursuant to the provisions  
16 of section two thousand three hundred one of this [chapter] TITLE, or  
17 any person arrested for frequenting disorderly houses or houses of pros-  
18 titution, shall be reported within twenty-four hours by the court or  
19 magistrate before whom such person is arraigned to the health officer of  
20 the health district in which the alleged offense occurred, and shall be  
21 examined in accordance with the provisions of section two thousand three  
22 hundred of this [chapter] TITLE.

23 S 25. Section 2324-a of the public health law, as amended by chapter  
24 260 of the laws of 1978, is amended to read as follows:

25 S 2324-a. Presumptive evidence. For the purposes of this title, two or  
26 more convictions of any person or persons had, within a period of one  
27 year, for any of the offenses described in section 230.00, 230.01,  
28 230.05, 230.20, 230.25 or 230.30 of the penal law arising out of conduct  
29 engaged in at the same real property consisting of a dwelling as that  
30 term is defined in subdivision four of section four of the multiple  
31 dwelling law shall be presumptive evidence of conduct constituting use  
32 of the premises for purposes of prostitution.

33 S 26. Subdivision 2 of section 715 of the real property actions and  
34 proceedings law, as added by chapter 494 of the laws of 1976, is amended  
35 to read as follows:

36 2. For purposes of this section, two or more convictions of any person  
37 or persons had, within a period of one year, for any of the offenses  
38 described in section 230.00, 230.01, 230.05, 230.20, 230.25, 230.30 or  
39 230.40 of the penal law arising out of conduct engaged in at the same  
40 real property consisting of a dwelling as that term is defined in subdi-  
41 vision four of section four of the multiple dwelling law shall be  
42 presumptive evidence of conduct constituting use of the premises for  
43 purposes of prostitution.

44 S 27. Subdivision 3 of section 231 of the real property law, as  
45 amended by chapter 203 of the laws of 1980, is amended to read as  
46 follows:

47 3. For the purposes of this section, two or more convictions of any  
48 person or persons had, within a period of one year, for any of the  
49 offenses described in section 230.00, 230.01, 230.05, 230.20, 230.25,  
50 230.30, or 230.40 of the penal law arising out of conduct engaged in at  
51 the same premises consisting of a dwelling as that term is defined in  
52 subdivision four of section four of the multiple dwelling law shall be  
53 presumptive evidence of unlawful use of such premises and of the owners  
54 knowledge of the same.

1 S 28. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle  
2 and traffic law, as amended by chapter 405 of the laws of 2010, is  
3 amended to read as follows:

4 (c) The offenses referred to in subparagraph (i) of paragraph (b) of  
5 subdivision one and subparagraph (i) of paragraph (c) of subdivision two  
6 of this section that result in disqualification for a period of five  
7 years shall include a conviction under sections 100.10, 105.13, 115.05,  
8 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,  
9 125.13, 125.14, 125.40, 125.45, 130.20, 130.25, 130.55, 135.10, 135.55,  
10 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06,  
11 220.09, 220.16, 220.31, 220.34, 220.60, 221.30, 221.50, 221.55, 230.00,  
12 230.01, 230.05, 230.06, 230.06-A, 230.20, 230.25, 230.30, 230.32,  
13 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two  
14 of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09,  
15 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of  
16 the aforesaid offenses under section 110.00 of the penal law, or any  
17 similar offenses committed under a former section of the penal law, or  
18 any offenses committed under a former section of the penal law which  
19 would constitute violations of the aforesaid sections of the penal law,  
20 or any offenses committed outside this state which would constitute  
21 violations of the aforesaid sections of the penal law.

22 S 29. This act shall take effect on the ninetieth day after it shall  
23 have become a law.