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2013-2014 Regular Sessions

I N A S S E M B L Y

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January 9, 2013

Introduced by M. of A. PAULIN, DINOWITZ, SCARBOROUGH, ROSENTHAL, COOK, LAVINE, ZEBROWSKI, ABBATE, CUSICK, ENGLEBRIGHT, GALEF, GUNTHER, JAFFEE, MAGNARELLI, MARKEY, MILLMAN, MOYA, ROBERTS, WEISENBERG, SEPULVEDA, STIRPE, KEARNS, OTIS, BUCHWALD, TITUS, SKOUFIS, SIMOTAS, SCHIMEL, RYAN, RUSSELL, ROSA, QUART, PRETLOW, PERRY, LIFTON, KELLNER, HEVESI, CLARK, BRONSON, BRINDISI, BARRETT, ARROYO, WEPRIN, STECK, CORWIN, CURRAN, FITZPATRICK, GARBARINO, JOHNS, KATZ, McLAUGHLIN, SALADINO, STEC, TEDISCO, TITONE, MORELLE, MOSLEY, GRAF, BRAUNSTEIN, SKARTADOS, MILLER, CAMARA, SCHIMMINGER, HOOPER, ROZIC, ORTIZ, BROOK-KRASNYY, KAVANAGH, CYMBROWITZ, GANTT, WRIGHT -- Multi-Sponsored by -- M. of A. ABINANTI, BRENNAN, COLTON, CRESPO, DiPIETRO, FAHY, FARRELL, GJONAJ, GLICK, GOLDFEDER, HEASTIE, HENNESSEY, HIKIND, JACOBS, LENTOL, LUPARDO, MAGEE, MAYER, McDONALD, McDONOUGH, MONTESANO, PEOPLES-STOKES, RA, RAI, RAMOS, RIVERA, ROBINSON, RODRIGUEZ, SANTABARBARA, SIMANOWITZ, SOLAGES, SWEENEY, TENNEY, THIELE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the criminal procedure law, the social services law, the civil practice law and rules, the mental hygiene law, the correction law, the vehicle and traffic law, the public health law, the real property actions and proceedings law, and the real property law, in relation to enacting the "trafficking victims protection and justice act"; to amend the penal law, in relation to prostitution in a school zone; to amend chapter 74 of the laws of 2007 amending the penal law, the criminal procedure law, the correction law, the social services law, and the executive law relating to human

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

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trafficking, in relation to extending the interagency task force on human trafficking for four years; and to amend the executive law, in relation to human trafficking awareness

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "trafficking victims protection and justice act".

3 S 2. Section 60.13 of the penal law, as added by chapter 7 of the laws  
4 of 2007, is amended to read as follows:

5 S 60.13 Authorized dispositions; felony sex offenses.

6 When a person is to be sentenced upon a conviction for any felony  
7 defined in article one hundred thirty of this chapter, including a sexu-  
8 ally motivated felony, or patronizing a [prostitute] PERSON FOR PROSTI-  
9 TUTION in the first degree as defined in section 230.06 of this chapter,  
10 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS  
11 DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A  
12 MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12  
13 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE  
14 FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the  
15 second degree as defined in section 255.26 of this chapter, or incest in  
16 the first degree as defined in section 255.27 of this chapter, or a  
17 felony attempt or conspiracy to commit any of these crimes, the court  
18 must sentence the defendant in accordance with the provisions of section  
19 70.80 of this title.

20 S 3. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the  
21 penal law, paragraph (a) as amended by chapter 320 of the laws of 2006  
22 and paragraph (c) as amended by chapter 1 of the laws of 2013, are  
23 amended to read as follows:

24 (a) Class B violent felony offenses: an attempt to commit the class  
25 A-I felonies of murder in the second degree as defined in section  
26 125.25, kidnapping in the first degree as defined in section 135.25, and  
27 arson in the first degree as defined in section 150.20; manslaughter in  
28 the first degree as defined in section 125.20, aggravated manslaughter  
29 in the first degree as defined in section 125.22, rape in the first  
30 degree as defined in section 130.35, criminal sexual act in the first  
31 degree as defined in section 130.50, aggravated sexual abuse in the  
32 first degree as defined in section 130.70, course of sexual conduct  
33 against a child in the first degree as defined in section 130.75;  
34 assault in the first degree as defined in section 120.10, kidnapping in  
35 the second degree as defined in section 135.20, burglary in the first  
36 degree as defined in section 140.30, arson in the second degree as  
37 defined in section 150.15, robbery in the first degree as defined in  
38 section 160.15, SEX TRAFFICKING AS DEFINED IN PARAGRAPHS (A) AND (B) OF  
39 SUBDIVISION FIVE OF SECTION 230.34, incest in the first degree as  
40 defined in section 255.27, criminal possession of a weapon in the first  
41 degree as defined in section 265.04, criminal use of a firearm in the  
42 first degree as defined in section 265.09, criminal sale of a firearm in  
43 the first degree as defined in section 265.13, aggravated assault upon a  
44 police officer or a peace officer as defined in section 120.11, gang  
45 assault in the first degree as defined in section 120.07, intimidating a  
46 victim or witness in the first degree as defined in section 215.17,  
47 hindering prosecution of terrorism in the first degree as defined in  
48 section 490.35, criminal possession of a chemical weapon or biological

1 weapon in the second degree as defined in section 490.40, and criminal  
2 use of a chemical weapon or biological weapon in the third degree as  
3 defined in section 490.47.

4 (c) Class D violent felony offenses: an attempt to commit any of the  
5 class C felonies set forth in paragraph (b); reckless assault of a child  
6 as defined in section 120.02, assault in the second degree as defined in  
7 section 120.05, menacing a police officer or peace officer as defined in  
8 section 120.18, stalking in the first degree, as defined in subdivision  
9 one of section 120.60, strangulation in the second degree as defined in  
10 section 121.12, rape in the second degree as defined in section 130.30,  
11 criminal sexual act in the second degree as defined in section 130.45,  
12 sexual abuse in the first degree as defined in section 130.65, course of  
13 sexual conduct against a child in the second degree as defined in  
14 section 130.80, aggravated sexual abuse in the third degree as defined  
15 in section 130.66, facilitating a sex offense with a controlled  
16 substance as defined in section 130.90, LABOR TRAFFICKING AS DEFINED IN  
17 PARAGRAPHS (A) AND (B) OF SUBDIVISION THREE OF SECTION 135.35, criminal  
18 possession of a weapon in the third degree as defined in subdivision  
19 five, six, seven, eight, nine or ten of section 265.02, criminal sale of  
20 a firearm in the third degree as defined in section 265.11, intimidating  
21 a victim or witness in the second degree as defined in section 215.16,  
22 soliciting or providing support for an act of terrorism in the second  
23 degree as defined in section 490.10, and making a terroristic threat as  
24 defined in section 490.20, falsely reporting an incident in the first  
25 degree as defined in section 240.60, placing a false bomb or hazardous  
26 substance in the first degree as defined in section 240.62, placing a  
27 false bomb or hazardous substance in a sports stadium or arena, mass  
28 transportation facility or enclosed shopping mall as defined in section  
29 240.63, and aggravated unpermitted use of indoor pyrotechnics in the  
30 first degree as defined in section 405.18.

31 S 4. Paragraph (a) of subdivision 1 of section 70.80 of the penal law,  
32 as added by chapter 7 of the laws of 2007, is amended to read as  
33 follows:

34 (a) For the purposes of this section, a "felony sex offense" means a  
35 conviction of any felony defined in article one hundred thirty of this  
36 chapter, including a sexually motivated felony, or patronizing a [pros-  
37 titude] PERSON FOR PROSTITUTION in the first degree as defined in  
38 section 230.06 of this chapter, PATRONIZING A PERSON FOR PROSTITUTION IN  
39 THE SECOND DEGREE AS DEFINED IN SECTION 230.05 OF THIS CHAPTER, AGGRA-  
40 VATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS  
41 DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A  
42 MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12  
43 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN  
44 FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the  
45 second degree as defined in section 255.26 of this chapter, or incest in  
46 the first degree as defined in section 255.27 of this chapter, or a  
47 felony attempt or conspiracy to commit any of the above.

48 S 5. Section 135.35 of the penal law, as added by chapter 74 of the  
49 laws of 2007, is amended to read as follows:

50 S 135.35 Labor trafficking.

51 A person is guilty of labor trafficking if he or she compels or  
52 induces another to engage in labor or recruits, entices, harbors, or  
53 transports such other person by means of intentionally:

54 1. [unlawfully providing a controlled substance to such person with  
55 intent to impair said person's judgment;

1 2.] requiring that the labor be performed to retire, repay, or service  
2 a real or purported debt that the actor has caused by a systematic ongo-  
3 ing course of conduct with intent to defraud such person;

4 [3.] 2. withholding, destroying, or confiscating any actual or  
5 purported passport, immigration document, or any other actual or  
6 purported government identification document, of another person with  
7 intent to impair said person's freedom of movement; provided, however,  
8 that this subdivision shall not apply to an attempt to correct a social  
9 security administration record or immigration agency record in accord-  
10 ance with any local, state, or federal agency requirement, where such  
11 attempt is not made for the purpose of any express or implied threat;

12 [4.] 3. using force or engaging in any scheme, plan or pattern to  
13 compel or induce such person to engage in or continue to engage in labor  
14 activity by means of instilling a fear in such person that, if the  
15 demand is not complied with, the actor or another will do one or more of  
16 the following:

17 (a) cause physical injury, serious physical injury, or death to a  
18 person; or

19 (b) cause damage to property, other than the property of the actor; or

20 (c) engage in other conduct constituting a felony or unlawful impri-  
21 sonment in the second degree in violation of section 135.05 of this  
22 [chapter] ARTICLE; or

23 (d) accuse some person of a crime or cause criminal charges or depor-  
24 tation proceedings to be instituted against such person; provided,  
25 however, that it shall be an affirmative defense to this subdivision  
26 that the defendant reasonably believed the threatened charge to be true  
27 and that his or her sole purpose was to compel or induce the victim to  
28 take reasonable action to make good the wrong which was the subject of  
29 such threatened charge; or

30 (e) expose a secret or publicize an asserted fact, whether true or  
31 false, tending to subject some person to hatred, contempt or ridicule;  
32 or

33 (f) testify or provide information or withhold testimony or informa-  
34 tion with respect to another's legal claim or defense; or

35 (g) use or abuse his or her position as a public servant by performing  
36 some act within or related to his or her official duties, or by failing  
37 or refusing to perform an official duty, in such manner as to affect  
38 some person adversely.

39 Labor trafficking is a class D felony.

40 S 6. The penal law is amended by adding a new section 135.37 to read  
41 as follows:

42 S 135.37 AGGRAVATED LABOR TRAFFICKING.

43 A PERSON IS GUILTY OF AGGRAVATED LABOR TRAFFICKING IF HE OR SHE  
44 COMPELS OR INDUCES ANOTHER TO ENGAGE IN LABOR OR RECRUITS, ENTICES,  
45 HARBORS, OR TRANSPORTS SUCH OTHER PERSON TO ENGAGE IN LABOR BY MEANS OF  
46 INTENTIONALLY UNLAWFULLY PROVIDING A CONTROLLED SUBSTANCE TO SUCH PERSON  
47 WITH INTENT TO IMPAIR SAID PERSON'S JUDGMENT.

48 AGGRAVATED LABOR TRAFFICKING IS A CLASS C FELONY.

49 S 7. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
50 law, as amended by chapter 405 of the laws of 2010, is amended to read  
51 as follows:

52 (a) Any of the felonies set forth in this chapter: sections 120.05,  
53 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
54 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
55 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
56 135.25 relating to kidnapping; [section] SECTIONS 135.35 AND 135.37

1 relating to labor trafficking; section 135.65 relating to coercion;  
2 sections 140.20, 140.25 and 140.30 relating to burglary; sections  
3 145.05, 145.10 and 145.12 relating to criminal mischief; article one  
4 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and  
5 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and  
6 177.25 relating to health care fraud; article one hundred sixty relating  
7 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-  
8 inal possession of stolen property; sections 165.72 and 165.73 relating  
9 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,  
10 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,  
11 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,  
12 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20  
13 and 178.25 relating to criminal diversion of prescription medications  
14 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,  
15 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,  
16 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections  
17 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage  
18 fraud, sections 190.40 and 190.42 relating to criminal usury; section  
19 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relat-  
20 ing to hindering prosecution; sections 210.10, 210.15, and 215.51 relat-  
21 ing to perjury and contempt; section 215.40 relating to tampering with  
22 physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21,  
23 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and  
24 220.77 relating to controlled substances; sections 225.10 and 225.20  
25 relating to gambling; sections 230.25, 230.30, and 230.32 relating to  
26 promoting prostitution; section 230.34 relating to sex trafficking;  
27 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;  
28 sections 263.10 and 263.15 relating to promoting a sexual performance by  
29 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the  
30 provisions of section 265.10 which constitute a felony relating to  
31 firearms and other dangerous weapons; and sections 265.14 and 265.16  
32 relating to criminal sale of a firearm; and section 275.10, 275.20,  
33 275.30, or 275.40 relating to unauthorized recordings; and sections  
34 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or  
35 S 8. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of the  
36 criminal procedure law, paragraph (b) as amended by chapter 405 of the  
37 laws of 2010 and paragraph (h) as amended by chapter 154 of the laws of  
38 1990, are amended to read as follows:  
39 (b) Any of the following felonies: assault in the second degree as  
40 defined in section 120.05 of the penal law, assault in the first degree  
41 as defined in section 120.10 of the penal law, reckless endangerment in  
42 the first degree as defined in section 120.25 of the penal law, promot-  
43 ing a suicide attempt as defined in section 120.30 of the penal law,  
44 strangulation in the second degree as defined in section 121.12 of the  
45 penal law, strangulation in the first degree as defined in section  
46 121.13 of the penal law, criminally negligent homicide as defined in  
47 section 125.10 of the penal law, manslaughter in the second degree as  
48 defined in section 125.15 of the penal law, manslaughter in the first  
49 degree as defined in section 125.20 of the penal law, murder in the  
50 second degree as defined in section 125.25 of the penal law, murder in  
51 the first degree as defined in section 125.27 of the penal law, abortion  
52 in the second degree as defined in section 125.40 of the penal law,  
53 abortion in the first degree as defined in section 125.45 of the penal  
54 law, rape in the third degree as defined in section 130.25 of the penal  
55 law, rape in the second degree as defined in section 130.30 of the penal  
56 law, rape in the first degree as defined in section 130.35 of the penal

1 law, criminal sexual act in the third degree as defined in section  
2 130.40 of the penal law, criminal sexual act in the second degree as  
3 defined in section 130.45 of the penal law, criminal sexual act in the  
4 first degree as defined in section 130.50 of the penal law, sexual abuse  
5 in the first degree as defined in section 130.65 of the penal law,  
6 unlawful imprisonment in the first degree as defined in section 135.10  
7 of the penal law, kidnapping in the second degree as defined in section  
8 135.20 of the penal law, kidnapping in the first degree as defined in  
9 section 135.25 of the penal law, labor trafficking as defined in section  
10 135.35 of the penal law, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN  
11 SECTION 135.37 OF THE PENAL LAW, custodial interference in the first  
12 degree as defined in section 135.50 of the penal law, coercion in the  
13 first degree as defined in section 135.65 of the penal law, criminal  
14 trespass in the first degree as defined in section 140.17 of the penal  
15 law, burglary in the third degree as defined in section 140.20 of the  
16 penal law, burglary in the second degree as defined in section 140.25 of  
17 the penal law, burglary in the first degree as defined in section 140.30  
18 of the penal law, criminal mischief in the third degree as defined in  
19 section 145.05 of the penal law, criminal mischief in the second degree  
20 as defined in section 145.10 of the penal law, criminal mischief in the  
21 first degree as defined in section 145.12 of the penal law, criminal  
22 tampering in the first degree as defined in section 145.20 of the penal  
23 law, arson in the fourth degree as defined in section 150.05 of the  
24 penal law, arson in the third degree as defined in section 150.10 of the  
25 penal law, arson in the second degree as defined in section 150.15 of  
26 the penal law, arson in the first degree as defined in section 150.20 of  
27 the penal law, grand larceny in the fourth degree as defined in section  
28 155.30 of the penal law, grand larceny in the third degree as defined in  
29 section 155.35 of the penal law, grand larceny in the second degree as  
30 defined in section 155.40 of the penal law, grand larceny in the first  
31 degree as defined in section 155.42 of the penal law, health care fraud  
32 in the fourth degree as defined in section 177.10 of the penal law,  
33 health care fraud in the third degree as defined in section 177.15 of  
34 the penal law, health care fraud in the second degree as defined in  
35 section 177.20 of the penal law, health care fraud in the first degree  
36 as defined in section 177.25 of the penal law, robbery in the third  
37 degree as defined in section 160.05 of the penal law, robbery in the  
38 second degree as defined in section 160.10 of the penal law, robbery in  
39 the first degree as defined in section 160.15 of the penal law, unlawful  
40 use of secret scientific material as defined in section 165.07 of the  
41 penal law, criminal possession of stolen property in the fourth degree  
42 as defined in section 165.45 of the penal law, criminal possession of  
43 stolen property in the third degree as defined in section 165.50 of the  
44 penal law, criminal possession of stolen property in the second degree  
45 as defined by section 165.52 of the penal law, criminal possession of  
46 stolen property in the first degree as defined by section 165.54 of the  
47 penal law, trademark counterfeiting in the second degree as defined in  
48 section 165.72 of the penal law, trademark counterfeiting in the first  
49 degree as defined in section 165.73 of the penal law, forgery in the  
50 second degree as defined in section 170.10 of the penal law, forgery in  
51 the first degree as defined in section 170.15 of the penal law, criminal  
52 possession of a forged instrument in the second degree as defined in  
53 section 170.25 of the penal law, criminal possession of a forged instru-  
54 ment in the first degree as defined in section 170.30 of the penal law,  
55 criminal possession of forgery devices as defined in section 170.40 of  
56 the penal law, falsifying business records in the first degree as

1 defined in section 175.10 of the penal law, tampering with public  
2 records in the first degree as defined in section 175.25 of the penal  
3 law, offering a false instrument for filing in the first degree as  
4 defined in section 175.35 of the penal law, issuing a false certificate  
5 as defined in section 175.40 of the penal law, criminal diversion of  
6 prescription medications and prescriptions in the second degree as  
7 defined in section 178.20 of the penal law, criminal diversion of  
8 prescription medications and prescriptions in the first degree as  
9 defined in section 178.25 of the penal law, residential mortgage fraud  
10 in the fourth degree as defined in section 187.10 of the penal law,  
11 residential mortgage fraud in the third degree as defined in section  
12 187.15 of the penal law, residential mortgage fraud in the second degree  
13 as defined in section 187.20 of the penal law, residential mortgage  
14 fraud in the first degree as defined in section 187.25 of the penal law,  
15 escape in the second degree as defined in section 205.10 of the penal  
16 law, escape in the first degree as defined in section 205.15 of the  
17 penal law, absconding from temporary release in the first degree as  
18 defined in section 205.17 of the penal law, promoting prison contraband  
19 in the first degree as defined in section 205.25 of the penal law,  
20 hindering prosecution in the second degree as defined in section 205.60  
21 of the penal law, hindering prosecution in the first degree as defined  
22 in section 205.65 of the penal law, sex trafficking as defined in  
23 section 230.34 of the penal law, criminal possession of a weapon in the  
24 third degree as defined in subdivisions two, three and five of section  
25 265.02 of the penal law, criminal possession of a weapon in the second  
26 degree as defined in section 265.03 of the penal law, criminal  
27 possession of a weapon in the first degree as defined in section 265.04  
28 of the penal law, manufacture, transport, disposition and defacement of  
29 weapons and dangerous instruments and appliances defined as felonies in  
30 subdivisions one, two, and three of section 265.10 of the penal law,  
31 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use  
32 of weapons as defined in subdivision two of section 265.35 of the penal  
33 law, relating to firearms and other dangerous weapons, or failure to  
34 disclose the origin of a recording in the first degree as defined in  
35 section 275.40 of the penal law;

36 (h) Promoting prostitution in the first degree, as defined in section  
37 230.32 of the penal law, promoting prostitution in the second degree, as  
38 defined by subdivision one of section 230.30 of the penal law, PROMOTING  
39 PROSTITUTION IN THE THIRD DEGREE, AS DEFINED IN SECTION 230.25 OF THE  
40 PENAL LAW;

41 S 9. The penal law is amended by adding a new section 230.01 to read  
42 as follows:

43 S 230.01 PROSTITUTION; AFFIRMATIVE DEFENSE.

44 IN ANY PROSECUTION UNDER SECTION 230.00, SECTION 230.03 OR SUBDIVISION  
45 TWO OF SECTION 240.37 OF THIS PART, IT IS AN AFFIRMATIVE DEFENSE THAT  
46 THE DEFENDANT'S PARTICIPATION IN THE OFFENSE WAS A RESULT OF HAVING BEEN  
47 A VICTIM OF COMPELLING PROSTITUTION UNDER SECTION 230.33, A VICTIM OF  
48 SEX TRAFFICKING UNDER SECTION 230.34 OF THIS ARTICLE OR A VICTIM OF  
49 TRAFFICKING IN PERSONS UNDER THE TRAFFICKING VICTIMS PROTECTION ACT  
50 (UNITED STATES CODE, TITLE 22, CHAPTER 78).

51 S 10. The section heading and subdivision 1 of section 230.02 of the  
52 penal law, as amended by chapter 627 of the laws of 1978, are amended to  
53 read as follows:

54 Patronizing a [prostitute] PERSON FOR PROSTITUTION; definitions.

55 1. A person patronizes a [prostitute] PERSON FOR PROSTITUTION when:

1 (a) Pursuant to a prior understanding, he OR SHE pays a fee to another  
2 person as compensation for such person or a third person having engaged  
3 in sexual conduct with him OR HER; or

4 (b) He OR SHE pays or agrees to pay a fee to another person pursuant  
5 to an understanding that in return therefor such person or a third  
6 person will engage in sexual conduct with him OR HER; or

7 (c) He OR SHE solicits or requests another person to engage in sexual  
8 conduct with him OR HER in return for a fee.

9 S 11. Subdivision 2 of section 230.03 of the penal law, as added by  
10 chapter 191 of the laws of 2011, is amended to read as follows:

11 2. For the purposes of this section, SECTION 230.08 and section 230.19  
12 of this article, "school zone" means (a) in or on or within any build-  
13 ing, structure, athletic playing field, playground or land contained  
14 within the real property boundary line of a public or private elementa-  
15 ry, parochial, intermediate, junior high, vocational, or high school, or  
16 (b) any public sidewalk, street, parking lot, park, playground or  
17 private land, located immediately adjacent to the boundary line of such  
18 school.

19 S 12. Section 230.04 of the penal law, as amended by chapter 74 of the  
20 laws of 2007, is amended to read as follows:

21 S 230.04 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third  
22 degree.

23 A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITU-  
24 TION in the third degree when he or she patronizes a [prostitute] PERSON  
25 FOR PROSTITUTION.

26 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree  
27 is a class A misdemeanor.

28 S 13. Section 230.05 of the penal law, as added by chapter 627 of the  
29 laws of 1978, is amended to read as follows:

30 S 230.05 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the  
31 second degree.

32 A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITU-  
33 TION in the second degree when, being [over] eighteen years [of age] OLD  
34 OR MORE, he OR SHE patronizes a [prostitute] PERSON FOR PROSTITUTION and  
35 the person patronized is less than [fourteen] FIFTEEN years [of age]  
36 OLD.

37 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the second  
38 degree is a class E felony.

39 S 14. Section 230.06 of the penal law, as added by chapter 627 of the  
40 laws of 1978, is amended to read as follows:

41 S 230.06 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first  
42 degree.

43 A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITU-  
44 TION in the first degree when [he]:

45 1. HE OR SHE patronizes a [prostitute] PERSON FOR PROSTITUTION and the  
46 person patronized is less than eleven years [of age] OLD; OR

47 2. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR  
48 PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD.

49 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree  
50 is a class D felony.

51 S 15. Section 230.07 of the penal law, as amended by chapter 74 of the  
52 laws of 2007, is amended to read as follows:

53 S 230.07 Patronizing a [prostitute] PERSON FOR PROSTITUTION; defense.

54 In any prosecution for patronizing a [prostitute] PERSON FOR PROSTITU-  
55 TION in the first or second degrees OR PATRONIZING A PERSON FOR PROSTI-  
56 TUTION IN A SCHOOL ZONE, it is a defense that the defendant did not have



1 reasonable grounds to believe that the person was less than the age  
2 specified.

3 S 16. The penal law is amended by adding a new section 230.08 to read  
4 as follows:

5 S 230.08 PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE.

6 1. A PERSON IS GUILTY OF PATRONIZING A PERSON FOR PROSTITUTION IN A  
7 SCHOOL ZONE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE PATRON-  
8 IZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN  
9 EIGHTEEN YEARS OLD AT A PLACE THAT HE OR SHE KNOWS, OR REASONABLY SHOULD  
10 KNOW, IS IN A SCHOOL ZONE.

11 2. FOR PURPOSES OF THIS SECTION, "SCHOOL ZONE" SHALL MEAN "SCHOOL  
12 ZONE" AS DEFINED IN SUBDIVISION TWO OF SECTION 230.03 OF THIS ARTICLE.

13 PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE IS A CLASS E  
14 FELONY.

15 S 17. The section heading and the opening paragraph of section 230.10  
16 of the penal law are amended to read as follows:

17 Prostitution and patronizing a [prostitute] PERSON FOR PROSTITUTION;  
18 no defense.

19 In any prosecution for prostitution or patronizing a [prostitute]  
20 PERSON FOR PROSTITUTION, the sex of the two parties or prospective  
21 parties to the sexual conduct engaged in, contemplated or solicited is  
22 immaterial, and it is no defense that:

23 S 18. The penal law is amended by adding three new sections 230.11,  
24 230.12 and 230.13 to read as follows:

25 S 230.11 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD  
26 DEGREE.

27 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
28 IN THE THIRD DEGREE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE  
29 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS  
30 THAN SEVENTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN  
31 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-  
32 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF  
33 THIS PART, WITH THE PERSON PATRONIZED.

34 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE IS  
35 A CLASS E FELONY.

36 S 230.12 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND  
37 DEGREE.

38 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
39 IN THE SECOND DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE  
40 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS  
41 THAN FIFTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN  
42 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-  
43 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF  
44 THIS PART, WITH THE PERSON PATRONIZED.

45 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE  
46 IS A CLASS D FELONY.

47 S 230.13 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST  
48 DEGREE.

49 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
50 IN THE FIRST DEGREE WHEN HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION  
51 AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OLD, OR BEING EIGH-  
52 TEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION  
53 AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE  
54 PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL  
55 CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE

1 TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART, WITH THE PERSON  
2 PATRONIZED.

3 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE IS  
4 A CLASS B FELONY.

5 S 19. Subdivisions 1 and 2 of section 230.15 of the penal law are  
6 amended to read as follows:

7 1. "Advance prostitution." A person "advances prostitution" when,  
8 acting other than as a [prostitute] PERSON IN PROSTITUTION or as a  
9 patron thereof, he OR SHE knowingly causes or aids a person to commit or  
10 engage in prostitution, procures or solicits patrons for prostitution,  
11 provides persons or premises for prostitution purposes, operates or  
12 assists in the operation of a house of prostitution or a prostitution  
13 enterprise, or engages in any other conduct designed to institute, aid  
14 or facilitate an act or enterprise of prostitution.

15 2. "Profit from prostitution." A person "profits from prostitution"  
16 when, acting other than as a [prostitute] PERSON IN PROSTITUTION receiv-  
17 ing compensation for personally rendered prostitution services, he OR  
18 SHE accepts or receives money or other property pursuant to an agreement  
19 or understanding with any person whereby he OR SHE participates or is to  
20 participate in the proceeds of prostitution activity.

21 S 20. Subdivision 1 of section 230.19 of the penal law, as added by  
22 chapter 191 of the laws of 2011, is amended to read as follows:

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

29 S 21. The opening paragraph and subdivision 1 of section 230.25 of the  
30 penal law, the opening paragraph as amended by chapter 627 of the laws  
31 of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007,  
32 are amended to read as follows:

33 A person is guilty of promoting prostitution in the third degree when  
34 he OR SHE knowingly:

35 1. Advances or profits from prostitution by managing, supervising,  
36 controlling or owning, either alone or in association with others, a  
37 house of prostitution or a prostitution business or enterprise involving  
38 prostitution activity by two or more [prostitutes] PERSONS IN PROSTITU-  
39 TION, or a business that sells travel-related services knowing that such  
40 services include or are intended to facilitate travel for the purpose of  
41 patronizing a [prostitute] PERSON FOR PROSTITUTION, including to a  
42 foreign jurisdiction and regardless of the legality of prostitution in  
43 said foreign jurisdiction; or

44 S 22. Section 230.30 of the penal law, as amended by chapter 627 of  
45 the laws of 1978, is amended to read as follows:

46 S 230.30 Promoting prostitution in the second degree.

47 A person is guilty of promoting prostitution in the second degree when  
48 he OR SHE knowingly:

49 1. Advances prostitution by compelling a person by force or intim-  
50 idation to engage in prostitution, or profits from such coercive conduct  
51 by another; or

52 2. Advances or profits from prostitution of a person less than  
53 [sixteen] EIGHTEEN years old.

54 Promoting prostitution in the second degree is a class C felony.

1 S 23. The first undesignated paragraph of section 230.32 of the penal  
2 law, as added by chapter 627 of the laws of 1978, is amended to read as  
3 follows:

4 A person is guilty of promoting prostitution in the first degree when  
5 he OR SHE:

6 1. knowingly advances or profits from prostitution of a person less  
7 than [eleven] THIRTEEN years old; OR

8 2. BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE KNOWINGLY ADVANCES OR  
9 PROFITS FROM PROSTITUTION OF A PERSON LESS THAN FIFTEEN YEARS OLD.

10 S 24. Section 230.33 of the penal law, as added by chapter 450 of the  
11 laws of 2005, is amended to read as follows:

12 S 230.33 Compelling prostitution.

13 A person is guilty of compelling prostitution when, being [twenty-one]  
14 EIGHTEEN years [of age or older] OLD OR MORE, he or she knowingly  
15 advances prostitution by compelling a person less than [sixteen] EIGH-  
16 TEEN years old, by force or intimidation, to engage in prostitution.

17 Compelling prostitution is a class B felony.

18 S 25. Section 230.35 of the penal law, as amended by chapter 450 of  
19 the laws of 2005, is amended to read as follows:

20 S 230.35 Promoting or compelling prostitution; accomplice.

21 In a prosecution for promoting prostitution or compelling prostitu-  
22 tion, a person less than [seventeen] EIGHTEEN years [of age] OLD from  
23 whose prostitution activity another person is alleged to have advanced  
24 or attempted to advance or profited or attempted to profit shall not be  
25 deemed to be an accomplice.

26 S 26. The first undesignated paragraph of section 230.40 of the penal  
27 law is amended to read as follows:

28 A person is guilty of permitting prostitution when, having possession  
29 or control of premises OR VEHICLE which he OR SHE knows are being used  
30 for prostitution purposes OR FOR THE PURPOSE OF ADVANCING PROSTITUTION,  
31 he OR SHE fails to make reasonable effort to halt or abate such use.

32 S 27. Subdivision 2 of section 240.37 of the penal law, as added by  
33 chapter 344 of the laws of 1976, is amended, and subdivision 3 is renum-  
34 bered subdivision 4 and a new subdivision 3 is added to read as follows:

35 2. Any person who remains or wanders about in a public place and  
36 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to  
37 stop, or repeatedly attempts to engage passers-by in conversation, or  
38 repeatedly stops or attempts to stop motor vehicles, or repeatedly  
39 interferes with the free passage of other persons, for the purpose of  
40 prostitution[, or of patronizing a prostitute as those terms are] AS  
41 THAT TERM IS defined in article two hundred thirty of [the penal law]  
42 THIS PART, shall be guilty of a violation and is guilty of a class B  
43 misdemeanor if such person has previously been convicted of a violation  
44 of this section or of [sections] SECTION 230.00 [or 230.05] of [the  
45 penal law] THIS PART.

46 3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND  
47 REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO  
48 STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR  
49 REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY  
50 INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF  
51 PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF  
52 THIS PART, SHALL BE GUILTY OF A VIOLATION AND IS GUILTY OF A CLASS B  
53 MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION  
54 OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06 OR 230.08 OF THIS  
55 PART.

1 S 28. Subdivision 6 of section 380.50 of the criminal procedure law,  
2 as amended by chapter 320 of the laws of 2006, is amended to read as  
3 follows:

4 6. Regardless of whether the victim requests to make a statement with  
5 regard to the defendant's sentence, where the defendant is sentenced for  
6 a violent felony offense as defined in section 70.02 of the penal law or  
7 a felony defined in article one hundred twenty-five of such law or any  
8 of the following provisions of such law sections 130.25, 130.30, 130.40,  
9 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,  
10 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of  
11 section 230.30 or 230.32, the prosecutor shall, within sixty days of the  
12 imposition of sentence, provide the victim with a form on which the  
13 victim may indicate a demand to be informed of any petition to change  
14 the name of such defendant. Such forms shall be maintained by such  
15 prosecutor. Upon receipt of a notice of a petition to change the name of  
16 any such defendant, pursuant to subdivision two of section sixty-two of  
17 the civil rights law, the prosecutor shall promptly notify the victim at  
18 the most current address or telephone number provided by such victim in  
19 the most reasonable and expedient possible manner of the time and place  
20 such petition will be presented to the court.

21 S 29. Paragraph (i) of subdivision 1 of section 440.10 of the criminal  
22 procedure law, as added by chapter 332 of the laws of 2010, is amended  
23 to read as follows:

24 (i) The judgment is a conviction where the arresting charge was under  
25 section 240.37 (loitering for the purpose of engaging in a prostitution  
26 offense, provided that the defendant was not alleged to be loitering for  
27 the purpose of patronizing a [prostitute] PERSON FOR PROSTITUTION or  
28 promoting prostitution) or 230.00 (prostitution) OR 230.03 (PROSTITUTION  
29 IN A SCHOOL ZONE) of the penal law, and the defendant's participation in  
30 the offense was a result of having been a victim of sex trafficking  
31 under section 230.34 of the penal law, LABOR TRAFFICKING UNDER SECTION  
32 135.35 OF THE PENAL LAW, AGGRAVATED LABOR TRAFFICKING UNDER SECTION  
33 135.37 OF THE PENAL LAW, COMPELLING PROSTITUTION UNDER SECTION 230.33 OF  
34 THE PENAL LAW, or trafficking in persons under the Trafficking Victims  
35 Protection Act (United States Code, title 22, chapter 78); provided that

36 (i) a motion under this paragraph shall be made with due diligence,  
37 after the defendant has ceased to be a victim of such trafficking OR  
38 COMPELLING PROSTITUTION CRIME or has sought services for victims of such  
39 trafficking OR COMPELLING PROSTITUTION CRIME, subject to reasonable  
40 concerns for the safety of the defendant, family members of the defend-  
41 ant, or other victims of such trafficking OR COMPELLING PROSTITUTION  
42 CRIME that may be jeopardized by the bringing of such motion, or for  
43 other reasons consistent with the purpose of this paragraph; and

44 (ii) official documentation of the defendant's status as a victim of  
45 [sex] trafficking, COMPELLING PROSTITUTION or trafficking in persons at  
46 the time of the offense from a federal, state or local government agency  
47 shall create a presumption that the defendant's participation in the  
48 offense was a result of having been a victim of sex trafficking, COMPEL-  
49 LING PROSTITUTION or trafficking in persons, but shall not be required  
50 for granting a motion under this paragraph.

51 S 30. Section 483-bb of the social services law is amended by adding a  
52 new subdivision (c) to read as follows:

53 (C) AN INDIVIDUAL WHO IS A VICTIM OF THE CONDUCT PROHIBITED BY SECTION  
54 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW MAY BRING A CIVIL  
55 ACTION AGAINST THE PERPETRATOR OR WHOEVER KNOWINGLY ADVANCES OR PROFITS  
56 FROM, OR WHOEVER SHOULD HAVE KNOWN HE OR SHE WAS ADVANCING OR PROFITING

1 FROM, AN ACT IN VIOLATION OF SECTION 230.33, 230.34, 135.35 OR 135.37 OF  
2 THE PENAL LAW TO RECOVER DAMAGES AND REASONABLE ATTORNEY'S FEES.

3 S 31. Section 212 of the civil practice law and rules is amended by  
4 adding a new subdivision (e) to read as follows:

5 (E) BY A VICTIM OF SEX TRAFFICKING, COMPELLING PROSTITUTION, OR LABOR  
6 TRAFFICKING. AN ACTION BY A VICTIM OF SEX TRAFFICKING, COMPELLING PROS-  
7 TITUTION, LABOR TRAFFICKING OR AGGRAVATED LABOR TRAFFICKING, BROUGHT  
8 PURSUANT TO SUBDIVISION (C) OF SECTION FOUR HUNDRED EIGHTY-THREE-BB OF  
9 THE SOCIAL SERVICES LAW, MAY BE COMMENCED WITHIN TEN YEARS AFTER SUCH  
10 VICTIMIZATION OCCURS PROVIDED, HOWEVER, THAT SUCH TEN YEAR PERIOD SHALL  
11 NOT BEGIN TO RUN AND SHALL BE TOLLED DURING ANY PERIOD IN WHICH THE  
12 VICTIM IS OR REMAINS SUBJECT TO SUCH CONDUCT.

13 S 32. Subdivision (a) of section 483-cc of the social services law, as  
14 added by chapter 74 of the laws of 2007, is amended to read as follows:

15 (a) As soon as practicable after a first encounter with a person who  
16 reasonably appears to a law enforcement agency [or a], district attor-  
17 ney's office, OR AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL SERVICES  
18 DESIGNATED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, THE  
19 OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE OR THE OFFICE OF VICTIM  
20 SERVICES to be a human trafficking victim, that [agency or] LAW ENFORCE-  
21 MENT AGENCY OR DISTRICT ATTORNEY'S office shall notify the office of  
22 temporary and disability assistance and the division of criminal justice  
23 services that such person may be eligible for services under this arti-  
24 cle OR, IN THE CASE OF AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL  
25 SERVICES, SHALL NOTIFY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
26 AND THE DIVISION OF CRIMINAL JUSTICE SERVICES IF SUCH VICTIM CONSENTS TO  
27 SEEKING SERVICES PURSUANT TO THIS ARTICLE.

28 S 33. Section 14 of chapter 74 of the laws of 2007, amending the penal  
29 law, the criminal procedure law, the correction law, the social services  
30 law, and the executive law relating to human trafficking, as amended by  
31 chapter 24 of the laws of 2011, is amended to read as follows:

32 S 14. This act shall take effect on the first of November next  
33 succeeding the date on which it shall have become a law; provided that  
34 section 483-ee of the social services law, as added by section eleven of  
35 this act, shall take effect immediately and shall remain in full force  
36 and effect until September 1, [2013] 2018 when upon such date the  
37 provisions of such section shall expire and be deemed repealed.  
38 Provided, effective immediately, the addition, amendment and/or repeal  
39 of any rule or regulation necessary for the timely implementation of the  
40 provisions of article 10-D of the social services law, as added by  
41 section eleven of this act, on its effective date are authorized to be  
42 made on or before such effective date.

43 S 34. Subdivision (p) of section 10.03 of the mental hygiene law, as  
44 added by chapter 7 of the laws of 2007, is amended to read as follows:

45 (p) "Sex offense" means an act or acts constituting: (1) any felony  
46 defined in article one hundred thirty of the penal law, including a  
47 sexually motivated felony; (2) patronizing a [prostitute] PERSON FOR  
48 PROSTITUTION in the first degree as defined in section 230.06 of the  
49 penal law, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST  
50 DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, AGGRAVATED PATRON-  
51 IZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN  
52 SECTION 230.12 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR  
53 PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE  
54 PENAL LAW, incest in the second degree as defined in section 255.26 of  
55 the penal law, or incest in the first degree as defined in section  
56 255.27 of the penal law; (3) a felony attempt or conspiracy to commit

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

5 S 35. Subparagraph (i) of paragraph (a) of subdivision 2 of section  
6 168-a of the correction law, as amended by chapter 405 of the laws of  
7 2008, is amended to read as follows:

8 (i) a conviction of or a conviction for an attempt to commit any of  
9 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,  
10 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two  
11 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20  
12 or 135.25 of such law relating to kidnapping offenses, provided the  
13 victim of such kidnapping or related offense is less than seventeen  
14 years old and the offender is not the parent of the victim, or section  
15 230.04, where the person patronized is in fact less than seventeen years  
16 of age, 230.05 [or], 230.06, [or] 230.11, 230.12, 230.13, subdivision  
17 two of section 230.30, [or] section 230.32 [or], 230.33, OR 230.34 of  
18 the penal law, OR SECTION 230.25 OF THE PENAL LAW WHERE THE PERSON PROS-  
19 TITUTED IS IN FACT LESS THAN SEVENTEEN YEARS OLD, or

20 S 36. Paragraph (b) of subdivision 1 of section 168-d of the  
21 correction law, as amended by chapter 74 of the laws of 2007, is amended  
22 to read as follows:

23 (b) Where a defendant stands convicted of an offense defined in para-  
24 graph (b) of subdivision two of section one hundred sixty-eight-a of  
25 this article or where the defendant was convicted of patronizing a  
26 [prostitute] PERSON FOR PROSTITUTION in the third degree under section  
27 230.04 of the penal law and the defendant controverts an allegation that  
28 the victim of such offense was less than eighteen years of age or, in  
29 the case of a conviction under section 230.04 of the penal law, less  
30 than seventeen years of age, the court, without a jury, shall, prior to  
31 sentencing, conduct a hearing, and the people may prove by clear and  
32 convincing evidence that the victim was less than eighteen years [of  
33 age] OLD or less than seventeen years [of age] OLD, as applicable, by  
34 any evidence admissible under the rules applicable to a trial of the  
35 issue of guilt. The court in addition to such admissible evidence may  
36 also consider reliable hearsay evidence submitted by either party  
37 provided that it is relevant to the determination of the age of the  
38 victim. Facts concerning the age of the victim proven at trial or ascer-  
39 tained at the time of entry of a plea of guilty shall be deemed estab-  
40 lished by clear and convincing evidence and shall not be relitigated. At  
41 the conclusion of the hearing, or if the defendant does not controvert  
42 an allegation that the victim of the offense was less than eighteen  
43 years [of age] OLD or less than seventeen years [of age] OLD, as appli-  
44 cable, the court must make a finding and enter an order setting forth  
45 the age of the victim. If the court finds that the victim of such  
46 offense was under eighteen years [of age] OLD or under seventeen years  
47 [of age] OLD, as applicable, the court shall certify the defendant as a  
48 sex offender, the provisions of paragraph (a) of this subdivision shall  
49 apply and the defendant shall register with the division in accordance  
50 with the provisions of this article.

51 S 37. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle  
52 and traffic law, as amended by chapter 400 of the laws of 2011, is  
53 amended to read as follows:

54 (c) The offenses referred to in subparagraph (i) of paragraph (b) of  
55 subdivision one and subparagraph (i) of paragraph (c) of subdivision two  
56 of this section that result in disqualification for a period of five

1 years shall include a conviction under sections 100.10, 105.13, 115.05,  
2 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,  
3 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,  
4 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,  
5 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,  
6 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06,  
7 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section  
8 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10,  
9 265.12, 265.35 of the penal law or an attempt to commit any of the afor-  
10 esaid offenses under section 110.00 of the penal law, or any similar  
11 offenses committed under a former section of the penal law, or any  
12 offenses committed under a former section of the penal law which would  
13 constitute violations of the aforesaid sections of the penal law, or any  
14 offenses committed outside this state which would constitute violations  
15 of the aforesaid sections of the penal law.

16 S 38. The vehicle and traffic law is amended by adding a new section  
17 510-d to read as follows:

18 S 510-D. SUSPENSION AND REVOCATION OF CLASS E DRIVER'S LICENSES. 1. A  
19 CLASS E DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMISSIONER FOR A  
20 PERIOD OF ONE YEAR WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF  
21 SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR 230.40 OF THE PENAL  
22 LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO COMMIT SUCH CRIME.

23 2. A CLASS E DRIVER'S LICENSE MAY BE REVOKED BY THE COMMISSIONER WHEN  
24 THE HOLDER, WHO HAD HIS OR HER DRIVER'S LICENSE SUSPENDED UNDER SUBDIVI-  
25 SION ONE OF THIS SECTION WITHIN THE LAST TEN YEARS, IS CONVICTED OF A  
26 SECOND VIOLATION OF SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR  
27 230.40 OF THE PENAL LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO  
28 COMMIT SUCH CRIME.

29 3. ANY REVOCATION OR SUSPENSION OF A CLASS E DRIVER'S LICENSE ISSUED  
30 PURSUANT TO THIS ARTICLE SHALL BE APPLICABLE ONLY TO THAT PORTION OF THE  
31 HOLDER'S DRIVER'S LICENSE OR PRIVILEGE WHICH PERMITS THE OPERATION OF A  
32 MOTOR VEHICLE TRANSPORTING PASSENGERS FOR HIRE, AND THE COMMISSIONER  
33 SHALL IMMEDIATELY ISSUE A LICENSE, OTHER THAN A CLASS E DRIVER'S  
34 LICENSE, TO SUCH PERSON, PROVIDED THAT SUCH PERSON IS OTHERWISE ELIGIBLE  
35 TO RECEIVE SUCH LICENSE AND FURTHER PROVIDED THAT ISSUING A LICENSE TO  
36 SUCH PERSON DOES NOT CREATE A SUBSTANTIAL TRAFFIC SAFETY HAZARD.

37 4. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO PREVENT  
38 ANY PERSON WHO HAS THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE TO DRIVE  
39 OR PRIVILEGE OF OPERATING PURSUANT TO SECTION FIVE HUNDRED TEN OF THIS  
40 ARTICLE FROM EXERCISING ANY SUCH AUTHORITY.

41 S 39. Section 2324-a of the public health law, as amended by chapter  
42 260 of the laws of 1978, is amended to read as follows:

43 S 2324-a. Presumptive evidence. For the purposes of this title, two  
44 or more convictions of any person or persons had, within a period of one  
45 year, for any of the offenses described in section 230.00, 230.05,  
46 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30 OR  
47 230.32 of the penal law arising out of conduct engaged in at the same  
48 real property consisting of a dwelling as that term is defined in subdi-  
49 vision four of section four of the multiple dwelling law shall be  
50 presumptive evidence of conduct constituting use of the premises for  
51 purposes of prostitution.

52 S 40. Subdivision 2 of section 715 of the real property actions and  
53 proceedings law, as added by chapter 494 of the laws of 1976, is amended  
54 to read as follows:

55 2. For purposes of this section, two or more convictions of any person  
56 or persons had, within a period of one year, for any of the offenses

1 described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13,  
2 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law arising out of  
3 conduct engaged in at the same real property consisting of a dwelling as  
4 that term is defined in subdivision four of section four of the multiple  
5 dwelling law shall be presumptive evidence of conduct constituting use  
6 of the premises for purposes of prostitution.

7 S 41. Subdivision 3 of section 231 of the real property law, as  
8 amended by chapter 203 of the laws of 1980, is amended to read as  
9 follows:

10 3. For the purposes of this section, two or more convictions of any  
11 person or persons had, within a period of one year, for any of the  
12 offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12,  
13 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law aris-  
14 ing out of conduct engaged in at the same premises consisting of a  
15 dwelling as that term is defined in subdivision four of section four of  
16 the multiple dwelling law shall be presumptive evidence of unlawful use  
17 of such premises and of the owners knowledge of the same.

18 S 42. Subdivision 3 of section 840 of the executive law is amended by  
19 adding a new paragraph (f-1) to read as follows:

20 (F-1) DEVELOP, MAINTAIN AND DISSEMINATE, IN CONSULTATION WITH THE  
21 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMI-  
22 NAL JUSTICE SERVICES, WRITTEN POLICIES AND PROCEDURES REGARDING HUMAN  
23 TRAFFICKING VICTIMS. SUCH POLICIES AND PROCEDURES SHALL INCLUDE, BUT NOT  
24 BE LIMITED TO THE FOLLOWING: (1) THE IDENTIFICATION OF POTENTIAL VICTIMS  
25 OF HUMAN TRAFFICKING, AS DEFINED UNDER SECTION FOUR HUNDRED  
26 EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW; AND (2) INFORMATION AND/OR  
27 REFERRAL TO APPROPRIATE SOCIAL AND LEGAL SERVICES FOR VICTIMS OF HUMAN  
28 TRAFFICKING IN ACCORDANCE WITH SECTION FOUR HUNDRED EIGHTY-THREE-BB OF  
29 THE SOCIAL SERVICES LAW;

30 S 43. The executive law is amended by adding a new section 214-d to  
31 read as follows:

32 S 214-D. HUMAN TRAFFICKING AWARENESS. THE SUPERINTENDENT, IN CONSULTA-  
33 TION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE  
34 DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL: (1) DEVELOP, MAINTAIN AND  
35 DISSEMINATE TO ALL MEMBERS OF THE STATE POLICE, INCLUDING NEW AND VETER-  
36 AN OFFICERS, WRITTEN POLICIES, PROCEDURES AND EDUCATIONAL MATERIALS  
37 RELATING TO HUMAN TRAFFICKING VICTIMS, INCLUDING SERVICES AVAILABLE FOR  
38 VICTIMS OF HUMAN TRAFFICKING, AS REFERENCED IN SECTION FOUR HUNDRED  
39 EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW; AND (2) ESTABLISH AND IMPLE-  
40 MENT WRITTEN PROCEDURES AND POLICIES IN THE EVENT A MEMBER OF THE DIVI-  
41 SION OF STATE POLICE ENCOUNTERS AN INDIVIDUAL BELIEVED TO BE A VICTIM OF  
42 HUMAN TRAFFICKING, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
43 PROVISION OF INFORMATION AND/OR REFERRAL TO AN APPROPRIATE PROVIDER OF  
44 SOCIAL AND LEGAL SERVICES TO HUMAN TRAFFICKING VICTIMS, IN ACCORDANCE  
45 WITH SUCH SECTION FOUR HUNDRED EIGHTY-THREE-BB.

46 S 44. Severability clause. If any clause, sentence, paragraph, subdi-  
47 vision, section or part of this act shall be adjudged by a court of  
48 competent jurisdiction to be invalid, such judgment shall not affect,  
49 impair or invalidate the remainder thereof, but shall be confined in its  
50 operation to the clause, sentence, paragraph, subdivision, section or  
51 part thereof directly involved in the controversy in which such judgment  
52 shall have been rendered. It is hereby declared to be the intent of the  
53 legislature that this act would have been enacted even if such invalid  
54 provisions had not been included herein.

55 S 45. Notwithstanding the provisions of article 5 of the general  
56 construction law, the provisions of section 483-ee of the social



1 services law, as added by chapter 74 of the laws of 2007, are hereby  
2 revived and shall continue in full force and effect as such provisions  
3 existed on August 31, 2013.

4 S 46. This act shall take effect on the ninetieth day after it shall  
5 have become a law; provided however that sections thirty-three and  
6 forty-five of this act shall take effect immediately.