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

4233

2013-2014 Regular Sessions

I N S E N A T E

March 15, 2013

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

AN ACT to amend the penal law, the criminal procedure law, the social services law, the mental hygiene law, the correction law, the vehicle and traffic law, the public health law, the real property actions and proceedings law, the real property law, the civil rights law, the multiple dwelling law and the family court act, in relation to prostitution offenses; 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 trafficking, in relation to extending the interagency task force on human trafficking for two years 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 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] PERSON FOR PROSTITUTION in the SECOND DEGREE, AS DEFINED IN SECTION 230.05 OF THIS CHAPTER, PATRONIZING A PERSON FOR PROSTITUTION IN THE first degree as defined in section 230.06 of this chapter, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.13 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

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

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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 2. Paragraph (a) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, COMPELLING PROSTITUTION AS DEFINED IN SECTION 230.33, SEX TRAFFICKING AS DEFINED IN SECTION 230.34, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

S 3. 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] PERSON FOR PROSTITUTION in the first degree as defined in section 230.06 of this chapter, PATRONIZING A PERSON FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.05 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.13 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 the above.

S 4. The closing paragraph of section 135.35 of the penal law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

Labor trafficking is a class [D] B felony.

S 5. The penal law is amended by adding a new section 230.01 to read as follows:

S 230.01 PROSTITUTION; DEFENSE.

IN ANY PROSECUTION UNDER SECTION 230.00 OR SUBDIVISION THREE OF SECTION 240.37 OF THIS PART, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT'S PARTICIPATION IN THE OFFENSE WAS A RESULT OF HAVING BEEN A VICTIM OF SEX TRAFFICKING UNDER SECTION 230.34 OF THIS ARTICLE OR A VICTIM OF TRAFFICKING IN PERSONS UNDER THE TRAFFICKING VICTIMS PROTECTION ACT (UNITED STATES CODE, TITLE 22, CHAPTER 78).

S 6. The section heading and subdivision 1 of section 230.02 of the penal law, as amended by chapter 627 of the laws of 1978, are amended to read as follows:

Patronizing a [prostitute] PERSON FOR PROSTITUTION; definitions.

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

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

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

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

S 7. Subdivision 2 of section 230.03 of the penal law, as added by chapter 191 of the laws of 2011, is amended to read as follows:

2. For the purposes of this section, SECTION 230.08 and section 230.19 of this article, "school zone" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any public sidewalk, street, parking lot, park, playground or private land, located immediately adjacent to the boundary line of such school.

S 8. 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] PERSON FOR PROSTITUTION in the third degree.

A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree when he or she patronizes a [prostitute] PERSON FOR PROSTITUTION.

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

S 9. 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] PERSON FOR PROSTITUTION in the second degree.

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

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

S 10. 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] PERSON FOR PROSTITUTION in the first degree.

A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree when [he patronizes a prostitute and the person

patronized is less than eleven years of age], BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD.

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

S 11. Section 230.07 of the penal law is REPEALED and a new section 230.08 is added to read as follows:

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

1. A PERSON IS GUILTY OF PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE WHEN HE OR SHE COMMITS THE CRIME OF PATRONIZING A PERSON FOR PROSTITUTION IN VIOLATION OF SECTION 230.04, 230.05, OR 230.06 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 OF THIS ARTICLE.

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

S 12. The section heading and the opening paragraph of section 230.10 of the penal law are amended to read as follows:

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

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

S 13. The penal law is amended by adding three new sections 230.11, 230.12 and 230.13 to read as follows:

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

A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN EIGHTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT.

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

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

A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN FIFTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT.

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

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

A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT.

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

S 14. Subdivisions 1 and 2 of section 230.15 of the penal law are amended to read as follows:

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

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

S 15. Subdivision 1 of section 230.19 of the penal law, as added by chapter 191 of the laws of 2011, is amended to read as follows:

1. A person is guilty of promoting prostitution in a school zone when, being [nineteen] EIGHTEEN years [of age] OLD or [older] MORE, 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 of this article] in a school zone during the hours that school is in session.

S 16. The opening paragraph and subdivisions 1 and 2 of section 230.25 of the penal law, the opening paragraph and subdivision 2 as amended by chapter 627 of the laws of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007, are amended to read as follows:

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

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

2. PROFITS FROM PROSTITUTION BY ENGAGING, EITHER ALONE OR IN ASSOCIATION WITH OTHERS, IN A BUSINESS OR ENTERPRISE CONSISTING OF THE TRANSPORTING OF A PERSON OR PERSONS FOR THE PURPOSES OF PROSTITUTION; OR

3. Advances or profits from prostitution of a person less than [nineteen] EIGHTEEN years old.

S 17. Section 230.30 of the penal law, as amended by chapter 627 of the laws of 1978, is amended to read as follows:

S 230.30 Promoting prostitution in the second degree.

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

1. Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or

2. Advances or profits from prostitution of a person less than [sixteen] FIFTEEN years old; OR

3. BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE AND CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OLD, ADVANCES OR PROFITS FROM PROSTITUTION OF SUCH CHILD.

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

S 18. The first undesignated paragraph of section 230.32 of the penal law, as added by chapter 627 of the laws of 1978, is amended to read as follows:

A person is guilty of promoting prostitution in the first degree when he OR SHE knowingly [advances]:

1. ADVANCES or profits from prostitution of a person less than [eleven] THIRTEEN years old[.]; OR

2. BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE AND CUSTODY OF A CHILD LESS THAN FIFTEEN YEARS OLD, ADVANCES OR PROFITS FROM PROSTITUTION OF SUCH CHILD.

S 19. 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] EIGHTEEN years [of age or older] OLD OR MORE, he or she knowingly advances prostitution by compelling a person less than [sixteen] EIGHTEEN years old, by force or intimidation, to engage in prostitution.

Compelling prostitution is a class B felony.

S 20. Subdivision 1 and paragraph (h) of subdivision 5 of section 230.34 of the penal law, as added by chapter 74 of the laws of 2007, are amended and a new subdivision 6 is added to read as follows:

1. unlawfully providing to a person who is patronized, with intent to impair said person's judgment: (a) a narcotic drug or a narcotic preparation; (b) MARIJUANA OR concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; (c) methadone; [or] (d) gamma-hydroxybutyrate (GHB) or flunitrazepan, also known as Rohypnol; OR (E) METHYLENEDIOXYMETHAMPHETAMINE (MDMA), ALSO KNOWN AS ECSTASY;

(h) perform any other act which would not in itself materially benefit the actor but which is calculated to harm the person who is patronized materially with respect to his or her health, safety, or immigration status[.]; OR

6. KNOWINGLY ADVANCING PROSTITUTION OF A PERSON LESS THAN EIGHTEEN YEARS OLD.

S 21. Section 230.35 of the penal law, as amended by chapter 450 of the laws of 2005, is amended to read as follows:

S 230.35 Promoting or compelling prostitution; accomplice.

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

S 22. The first undesignated paragraph of section 230.40 of the penal law is amended to read as follows:

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

S 23. Subdivision 2 of section 240.37 of the penal law, as added by chapter 344 of the laws of 1976, is amended, subdivision 3 is renumbered subdivision 6 and three new subdivisions 3, 4 and 5 are added to read as follows:

2. Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passers-by in conversation, or 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] AS THAT TERM IS defined in article two hundred thirty of [the penal law] THIS PART, 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 [or 230.05] of [the penal law] THIS PART.

3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF THIS PART, 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 SECTION 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, OR 230.13 OF THIS PART.

4. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A SCHOOL ZONE, AS SUCH TERM IS DEFINED IN SECTION 230.03 OF THIS PART, AND REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERSBY IN CONVERSATION, REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION AS THE TERM IS DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THIS PART, SHALL BE GUILTY OF A CLASS B MISDEMEANOR AND IS GUILTY OF A CLASS A MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION OR OF SECTION 230.00 OF THIS PART.

5. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A SCHOOL ZONE, AS THE TERM IS DEFINED IN SECTION 230.03 OF THIS PART, AND REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERSBY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF THIS PART, SHALL BE GUILTY OF A CLASS B MISDEMEANOR AND IS GUILTY OF A CLASS A MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, OR 230.13 OF THIS PART.

S 24. The section heading of section 170.15 of the criminal procedure law, as amended by chapter 661 of the laws of 1972, is amended and a new subdivision 5 is added to read as follows:

Removal of action from [one local] criminal court to another COURT.

5. (A) WHEN A DEFENDANT WHO IS LESS THAN EIGHTEEN YEARS OLD AND ALLEGED TO HAVE ENGAGED IN ANY ACT DEFINED IN SECTION 230.00 OR SUBDIVISION TWO OR THREE OF SECTION 240.37 OF THE PENAL LAW IS BROUGHT FOR ARRAIGNMENT UPON AN INFORMATION, SIMPLIFIED INFORMATION OR MISDEMEANOR COMPLAINT CHARGING SUCH OFFENSE, THE COURT MUST ORDER THE ACTION REMOVED TO FAMILY COURT FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH ARTICLE SEVEN OF THE FAMILY COURT ACT. THE ORDER OF REMOVAL MUST DIRECT THAT ALL OF THE PLEADINGS AND PROCEEDINGS IN THE ACTION, OR A CERTIFIED COPY OF THE SAME, BE TRANSFERRED TO THE DESIGNATED FAMILY COURT AND BE DELIVERED TO AND FILED WITH THE CLERK OF THAT COURT. THE PROCEDURES SET FORTH IN

SECTIONS 725.10, 725.15 AND 725.20 OF THIS CHAPTER FOR TRANSFER AND SEALING OF RECORDS SHALL APPLY TO THIS PROVISION WHENEVER APPLICABLE.

(B) THE COURT MUST INFORM THE DEFENDANT OF THE AVAILABILITY OF SERVICES UNDER SECTION FOUR HUNDRED FORTY-SEVEN-B OF THE SOCIAL SERVICES LAW.

S 25. Subdivision 6 of section 380.50 of the criminal procedure law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

6. Regardless of whether the victim requests to make a statement with regard to the defendant's sentence, where the defendant is sentenced for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law: sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, subdivision two of section 230.30 or 230.32, the prosecutor shall, within sixty days of the imposition of sentence, provide the victim with a form on which the victim may indicate a demand to be informed of any petition to change the name of such defendant. Such forms shall be maintained by such prosecutor. Upon receipt of a notice of a petition to change the name of any such defendant, pursuant to subdivision two of section sixty-two of the civil rights law, the prosecutor shall promptly notify the victim at the most current address or telephone number provided by such victim in the most reasonable and expedient possible manner of the time and place such petition will be presented to the court.

S 26. The opening paragraph of paragraph (i) of subdivision 1 of section 440.10 of the criminal procedure law, as added by chapter 332 of the laws of 2010, is amended to read as follows:

The judgment is a conviction where the arresting charge was under section 240.37 (loitering for the purpose of engaging in a prostitution offense, provided that the defendant was not alleged to be loitering for the purpose of patronizing a [prostitute] PERSON FOR PROSTITUTION or promoting prostitution) or 230.00 (prostitution) of the penal law, and the defendant's participation in the offense was a result of having been a victim of sex trafficking under section 230.34 of the penal law or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that

S 27. Paragraph (h) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 154 of the laws of 1990, is amended to read as follows:

(h) Promoting prostitution in the first degree, as defined in section 230.32 of the penal law, promoting prostitution in the second degree, as defined by subdivision one of section 230.30 of the penal law, PROMOTING PROSTITUTION IN THE THIRD DEGREE, AS DEFINED IN SECTION 230.25 OF THE PENAL LAW AND COMPELLING PROSTITUTION, AS DEFINED IN SECTION 230.33 OF THE PENAL LAW;

S 28. Section 483-bb of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

S 483-bb. Services for victims of human trafficking. (a) The office of temporary and disability assistance [may] SHALL, UPON REQUEST, coordinate with and assist law enforcement agencies and district attorney's offices to access appropriate services for human trafficking victims.

(b) In providing such assistance, the office of temporary and disability assistance may enter into contracts with non-government organizations for providing services to pre-certified victims of human traffick-

ing as defined in subdivision (b) of section four hundred eighty-three-aa of this article[, insofar as funds are available for that purpose]. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York state or the United States. Nothing in this section shall preclude the office of temporary and disability assistance, or any local social services district, from providing human trafficking victims who are United States citizens or human trafficking victims who meet the criteria pursuant to section one hundred twenty-two of this chapter with any benefits or services for which they otherwise may be eligible.

S 29. Subdivision (a) of section 483-cc of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency [or a], district attorney's office, OR AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL SERVICES DESIGNATED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE OR THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE to be a human trafficking victim, that agency [or], office OR PROVIDER shall notify the office of temporary and disability assistance and the division of criminal justice services that such person may be eligible for services under this article.

S 30. Subdivision (p) of section 10.03 of the mental hygiene law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

(p) "Sex offense" means an act or acts constituting: (1) any felony defined in article one hundred thirty of the penal law, including a sexually motivated felony; (2) patronizing a [prostitute] PERSON FOR PROSTITUTION IN THE SECOND DEGREE, AS DEFINED IN SECTION 230.05 OF THE PENAL LAW, PATRONIZING A PERSON FOR PROSTITUTION in the first degree as defined in section 230.06 of the penal law, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE PENAL LAW, incest in the second degree as defined in section 255.26 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law; (3) a felony attempt or conspiracy to commit any of the foregoing offenses set forth in this subdivision; or (4) a designated felony, as defined in subdivision (f) of this section, if sexually motivated and committed prior to the effective date of this article.

S 31. 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, 230.08, [or] 230.11, 230.12, 230.13, [subdivision two of section] 230.30, [or section] 230.32 [or], 230.33, OR 230.34 of the penal law, OR SECTION 230.25 OF THE PENAL LAW WHERE THE PERSON PROSTITUTED IS IN FACT LESS THAN EIGHTEEN YEARS OLD, or

S 32. Paragraph (b) of subdivision 1 of section 168-d of the correction law, as amended by chapter 74 of the laws of 2007, is amended to read as follows:

(b) Where a defendant stands convicted of an offense defined in paragraph (b) of subdivision two of section one hundred sixty-eight-a of this article or where the defendant was convicted of patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree under section 230.04 of the penal law OR OF PATRONIZING A PERSON FOR PROSTITUTION IN THE SECOND DEGREE UNDER SECTION 230.05 OF THE PENAL LAW, OR OF PATRONIZING A PERSON FOR PROSTITUTION IN THE FIRST DEGREE UNDER SECTION 230.06 OF THE PENAL LAW, OR OF PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE UNDER SECTION 230.08 OF THE PENAL LAW, OR OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, OR OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THE PENAL LAW, OR OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE PENAL LAW, and the defendant controverts an allegation that the victim of such offense was less than eighteen years [of age or, in the case of a conviction under section 230.04 of the penal law, less than seventeen years of age] OLD, the court, without a jury, shall, prior to sentencing, conduct a hearing, and the people may prove by clear and convincing evidence that the victim was less than eighteen years [of age or less than seventeen years of age, as applicable] OLD, by any evidence admissible under the rules applicable to a trial of the issue of guilt. The court in addition to such admissible evidence may also consider reliable hearsay evidence submitted by either party provided that it is relevant to the determination of the age of the victim. Facts concerning the age of the victim proven at trial or ascertained at the time of entry of a plea of guilty shall be deemed established by clear and convincing evidence and shall not be relitigated. At the conclusion of the hearing, or if the defendant does not controvert an allegation that the victim of the offense was less than eighteen years [of age or less than seventeen years of age, as applicable] OLD, the court must make a finding and enter an order setting forth the age of the victim. If the court finds that the victim of such offense was under eighteen years [of age or under seventeen years of age as applicable] OLD, the court shall certify the defendant as a sex offender, the provisions of paragraph (a) of this subdivision shall apply and the defendant shall register with the division in accordance with the provisions of this article.

S 33. Subparagraph (v) of paragraph (b) of subdivision 1 of section 509-c of the vehicle and traffic law, as amended by chapter 345 of the laws of 2007, is amended to read as follows:

(v) has been convicted of a violation of section 120.04, 120.04-a, 125.13, 125.14 [or], 235.07 OR 230.34 of the penal law.

S 34. Subparagraph (iv) of paragraph (b) of subdivision 2 of section 509-c of the vehicle and traffic law, as amended by chapter 345 of the laws of 2007, is amended to read as follows:

(iv) has been convicted of a violation of section 120.04, 120.04-a, 125.13 [or], 125.14, 235.07 OR 230.34 of the penal law.

S 35. Paragraphs (a) and (c) of subdivision 4 of section 509-cc of the vehicle and traffic law, as amended by chapter 400 of the laws of 2011, are amended to read as follows:

(a) The offenses referred to in subparagraph (ii) of paragraph (a) of subdivision one and paragraph (a) of subdivision two of this section that result in permanent disqualification shall include a conviction under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 130.30, 130.35, 130.45, 130.50, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25, 150.20, 230.30, 230.32, 230.33, 230.34, 235.22, 263.05, 263.10, 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(c) The offenses referred to in subparagraph (i) of paragraph (b) of subdivision one and subparagraph (i) of paragraph (c) of subdivision two of this section that result in disqualification for a period of five years shall include a conviction under sections 100.10, 105.13, 115.05, 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13, 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any similar offenses committed under a former section of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

S 36. Section 2324-a of the public health law, as amended by chapter 260 of the laws of 1978, is amended to read as follows:

S 2324-a. Presumptive evidence. For the purposes of this title, two or more convictions of any person or persons had, within a period of one year, for any of the offenses described in section 230.00, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30, 230.32, 230.33, 230.34 OR 230.40 of the penal law arising out of conduct engaged in at the same real property consisting of a dwelling as that term is defined in subdivision four of section four of the multiple dwelling law shall be presumptive evidence of conduct constituting use of the premises for purposes of prostitution.

S 37. Subdivision 2 of section 715 of the real property actions and proceedings law, as added by chapter 494 of the laws of 1976, is amended to read as follows:

2. For purposes of this section, two or more convictions of any person or persons had, within a period of one year, for any of the offenses described in section 230.00, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32, 230.33, 230.34, or 230.40 of the penal law arising out of conduct engaged in at the same real property consisting of a dwelling as that term is defined in subdivision four of section four of the multiple dwelling law shall be

presumptive evidence of conduct constituting use of the premises for purposes of prostitution.

S 38. Subdivision 3 of section 231 of the real property law, as amended by chapter 203 of the laws of 1980, is amended to read as follows:

3. For the purposes of this section, two or more convictions of any person or persons had, within a period of one year, for any of the offenses described in section 230.00, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32, 230.33, 230.34 or 230.40 of the penal law arising out of conduct engaged in at the same premises consisting of a dwelling as that term is defined in subdivision four of section four of the multiple dwelling law shall be presumptive evidence of unlawful use of such premises and of the owners knowledge of the same.

S 39. Subdivision (c) of section 483-ee of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(c) One year from the effective date of this section, or earlier if deemed appropriate, the task force shall report to the governor and the legislature on these issues, and it shall thereafter issue such reports [and recommendations as it deems necessary to carry out its duties and responsibilities] NO LATER THAN THE FIRST DAY OF EACH CALENDAR YEAR. SUCH REPORTS SHALL INCLUDE: (1) STATISTICS DISCLOSING THE AGGREGATE NUMBER OF VICTIMS OF HUMAN TRAFFICKING IN THE STATE AND THE AGGREGATE NUMBER OF PERSONS UNDER EIGHTEEN YEARS OF AGE WHO ARE VICTIMS OF HUMAN TRAFFICKING, PROVIDED THAT BOTH AGGREGATE NUMBERS SHALL INCLUDE THE DISTRIBUTION OF VICTIMS BY SEX, RACE, AND TYPE OF TRAFFICKING, WITH SUCH TYPES BEING LABOR OR SEX; (2) STATISTICS DISCLOSING THE AGGREGATE NUMBER OF VICTIMS OF HUMAN TRAFFICKING WHO WERE OFFERED SOCIAL SERVICES AND THE AGGREGATE NUMBER OF VICTIMS OF HUMAN TRAFFICKING WHO ACCEPTED SOCIAL SERVICES, PROVIDED THAT BOTH AGGREGATE NUMBERS SHALL INCLUDE THE DISTRIBUTION OF VICTIMS RECEIVING SOCIAL SERVICES BY TYPE OF SOCIAL SERVICE, AGE, SEX, RACE, AND TYPE OF TRAFFICKING, WITH SUCH TYPES BEING LABOR OR SEX; (3) STATISTICS DISCLOSING THE AGGREGATE NUMBER OF CRIMINAL PROCEEDINGS BROUGHT PURSUANT TO SECTION 130.35 OR 230.34 OF THE PENAL LAW, THE AGGREGATE NUMBER OF CONVICTIONS BROKEN DOWN BY PENAL LAW SECTION, AND THE DISTRIBUTION OF THE SENTENCES RECEIVED BROKEN DOWN BY PENAL LAW SECTION; (4) UPDATES OF THE EFFECTIVENESS OF THE STATE'S TRAINING EFFORTS THAT ARE EVALUATED PURSUANT TO PARAGRAPH SIX OF SUBDIVISION (B) OF THIS SECTION; (5) PROGRESS ON THE ESTABLISHMENT AND IMPLEMENTATION OF THE PROTOCOLS DESCRIBED IN PARAGRAPH FOUR OF SUBDIVISION (B) OF THIS SECTION; (6) PROGRESS FOR THE DUTIES LISTED IN PARAGRAPHS TWO, THREE, FIVE AND SEVEN OF SUBDIVISION (B) OF THIS SECTION; AND (7) RECOMMENDATIONS TO STRENGTHEN THE STATE'S RESPONSE TO HUMAN TRAFFICKING.

S 40. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; section 135.35 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health

care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.19, 230.25, 230.30, and 230.32 relating to promoting prostitution; SECTION 230.33 RELATING TO COMPELLING PROSTITUTION, section 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; and sections 265.14 and 265.16 relating to criminal sale of a firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

S 41. Paragraph (b) of subdivision 3 of section 427-a of the social services law, as added by chapter 452 of the laws of 2007, is amended to read as follows:

(b) reports alleging that the subject allowed, permitted or encouraged a child to engage in any act described in sections 230.19, 230.25, 230.30 [and], 230.32, 230.33 AND 230.34 of the penal law;

S 42. Subdivision 2 of section 62 of the civil rights law, as amended by section 55 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petition be to change the name of a person currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, subdivision two of section 230.30 [or], SECTIONS 230.32, 230.33 OR 230.34, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion upon an attorney in an action, upon the district attorney of every county in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered. Unless a shorter period of time is ordered by the court, said notice shall be served upon each such

district attorney and court or courts not less than sixty days prior to the date on which such petition is noticed to be heard.

S 43. The closing paragraph of section 64 of the civil rights law, as separately amended by chapters 258, 320 and 481 of the laws of 2006, is amended to read as follows:

Upon compliance with the order and the filing of the affidavit of the publication, as provided in this section, the clerk of the court in which the order has been entered shall certify that the order has been complied with; and, if the petition states that the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, subdivision two of section 230.30 [or], SECTIONS 230.32, 230.33 OR 230.34, such clerk (1) shall deliver, by first class mail, a copy of such certified order to the division of criminal justice services at its office in the county of Albany and (2) upon the clerk of the court reviewing the petitioner's application for name change and subsequent in-court inquiry, may, in the clerk's discretion, deliver, by first class mail, the petitioner's new name with such certified order to the court of competent jurisdiction which imposed the orders of support. Such certification shall appear on the original order and on any certified copy thereof and shall be entered in the clerk's minutes of the proceeding.

S 44. Subdivision 2 of section 61 of the civil rights law, as amended by section 54 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, subdivision two of section 230.30 [or], SECTIONS 230.32, 230.33 OR 230.34, and is currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of such conviction, the petition shall for each such conviction specify such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered.

S 45. Subdivision 2 of section 353 of the multiple dwelling law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

2. If there be two or more convictions in such dwelling within a period of six months, under sections 230.00, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32, 230.33 or 230.40 of the penal law.

S 46. Paragraph (iii) of subdivision (e) of section 1012 of the family court act, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

(iii) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in sections 230.19, 230.25, 230.30 [and], 230.32, 230.33 AND 230.34 of the penal law; commits any of the acts described in sections 255.25, 255.26 and

255.27 of the penal law; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law provided, however, that (a) the corroboration requirements contained in the penal law and (b) the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article.

S 47. Section 14 of 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 trafficking, as amended by chapter 24 of the laws of 2011, is amended to read as follows:

S 14. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided that section 483-ee of the social services law, as added by section eleven of this act, shall take effect immediately and shall remain in full force and effect until September 1, [2013] 2016 when upon such date the provisions of such section shall expire and be deemed repealed. Provided, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of the provisions of article 10-D of the social services law, as added by section eleven of this act, on its effective date are authorized to be made on or before such effective date.

S 48. This act shall take effect immediately; provided, however, that sections one through forty-six of this act shall take effect on the ninetieth day after it shall have become a law; provided that the amendments to section 483-ee of the social services law made by section thirty-nine of this act shall not affect the expiration and repeal of such section and shall expire and be deemed repealed therewith.