

5879

2013-2014 Regular Sessions

I N   S E N A T E

June 18, 2013

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Introduced by Sens. LANZA, GALLIVAN, SAVINO, HANNON -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 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

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

LBD12057-01-3

1 second degree as defined in section 255.26 of this chapter, or incest in  
2 the first degree as defined in section 255.27 of this chapter, or a  
3 felony attempt or conspiracy to commit any of these crimes, the court  
4 must sentence the defendant in accordance with the provisions of section  
5 70.80 of this title.

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

10 (a) Class B violent felony offenses: an attempt to commit the class  
11 A-I felonies of murder in the second degree as defined in section  
12 125.25, kidnapping in the first degree as defined in section 135.25, and  
13 arson in the first degree as defined in section 150.20; manslaughter in  
14 the first degree as defined in section 125.20, aggravated manslaughter  
15 in the first degree as defined in section 125.22, rape in the first  
16 degree as defined in section 130.35, criminal sexual act in the first  
17 degree as defined in section 130.50, aggravated sexual abuse in the  
18 first degree as defined in section 130.70, course of sexual conduct  
19 against a child in the first degree as defined in section 130.75;  
20 assault in the first degree as defined in section 120.10, kidnapping in  
21 the second degree as defined in section 135.20, burglary in the first  
22 degree as defined in section 140.30, arson in the second degree as  
23 defined in section 150.15, robbery in the first degree as defined in  
24 section 160.15, SEX TRAFFICKING AS DEFINED IN PARAGRAPHS (A) AND (B) OF  
25 SUBDIVISION FIVE OF SECTION 230.34, incest in the first degree as  
26 defined in section 255.27, criminal possession of a weapon in the first  
27 degree as defined in section 265.04, criminal use of a firearm in the  
28 first degree as defined in section 265.09, criminal sale of a firearm in  
29 the first degree as defined in section 265.13, aggravated assault upon a  
30 police officer or a peace officer as defined in section 120.11, gang  
31 assault in the first degree as defined in section 120.07, intimidating a  
32 victim or witness in the first degree as defined in section 215.17,  
33 hindering prosecution of terrorism in the first degree as defined in  
34 section 490.35, criminal possession of a chemical weapon or biological  
35 weapon in the second degree as defined in section 490.40, and criminal  
36 use of a chemical weapon or biological weapon in the third degree as  
37 defined in section 490.47.

38 (c) Class D violent felony offenses: an attempt to commit any of the  
39 class C felonies set forth in paragraph (b); reckless assault of a child  
40 as defined in section 120.02, assault in the second degree as defined in  
41 section 120.05, menacing a police officer or peace officer as defined in  
42 section 120.18, stalking in the first degree, as defined in subdivision  
43 one of section 120.60, strangulation in the second degree as defined in  
44 section 121.12, rape in the second degree as defined in section 130.30,  
45 criminal sexual act in the second degree as defined in section 130.45,  
46 sexual abuse in the first degree as defined in section 130.65, course of  
47 sexual conduct against a child in the second degree as defined in  
48 section 130.80, aggravated sexual abuse in the third degree as defined  
49 in section 130.66, facilitating a sex offense with a controlled  
50 substance as defined in section 130.90, LABOR TRAFFICKING AS DEFINED IN  
51 PARAGRAPHS (A) AND (B) OF SUBDIVISION THREE OF SECTION 135.35, criminal  
52 possession of a weapon in the third degree as defined in subdivision  
53 five, six, seven, eight, nine or ten of section 265.02, criminal sale of  
54 a firearm in the third degree as defined in section 265.11, intimidating  
55 a victim or witness in the second degree as defined in section 215.16,  
56 soliciting or providing support for an act of terrorism in the second

degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

S 4. 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 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 5. Section 135.35 of the penal law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

S 135.35 Labor trafficking.

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

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

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

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

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

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

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

(c) engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of section 135.05 of this [chapter] ARTICLE; or

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

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

(f) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

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

Labor trafficking is a class D felony.

S 5-a. The penal law is amended by adding a new section 135.37 to read as follows:

S 135.37 AGGRAVATED LABOR TRAFFICKING.

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

AGGRAVATED LABOR TRAFFICKING IS A CLASS C FELONY.

S 5-b. 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] SECTIONS 135.35 AND 135.37 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,

1 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and  
2 220.77 relating to controlled substances; sections 225.10 and 225.20  
3 relating to gambling; sections 230.25, 230.30, and 230.32 relating to  
4 promoting prostitution; section 230.34 relating to sex trafficking;  
5 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;  
6 sections 263.10 and 263.15 relating to promoting a sexual performance by  
7 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the  
8 provisions of section 265.10 which constitute a felony relating to  
9 firearms and other dangerous weapons; and sections 265.14 and 265.16  
10 relating to criminal sale of a firearm; and section 275.10, 275.20,  
11 275.30, or 275.40 relating to unauthorized recordings; and sections  
12 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

13 S 5-c. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of  
14 the criminal procedure law, paragraph (b) as amended by chapter 405 of  
15 the laws of 2010 and paragraph (h) as amended by chapter 154 of the laws  
16 of 1990, are amended to read as follows:

17 (b) Any of the following felonies: assault in the second degree as  
18 defined in section 120.05 of the penal law, assault in the first degree  
19 as defined in section 120.10 of the penal law, reckless endangerment in  
20 the first degree as defined in section 120.25 of the penal law, promot-  
21 ing a suicide attempt as defined in section 120.30 of the penal law,  
22 strangulation in the second degree as defined in section 121.12 of the  
23 penal law, strangulation in the first degree as defined in section  
24 121.13 of the penal law, criminally negligent homicide as defined in  
25 section 125.10 of the penal law, manslaughter in the second degree as  
26 defined in section 125.15 of the penal law, manslaughter in the first  
27 degree as defined in section 125.20 of the penal law, murder in the  
28 second degree as defined in section 125.25 of the penal law, murder in  
29 the first degree as defined in section 125.27 of the penal law, abortion  
30 in the second degree as defined in section 125.40 of the penal law,  
31 abortion in the first degree as defined in section 125.45 of the penal  
32 law, rape in the third degree as defined in section 130.25 of the penal  
33 law, rape in the second degree as defined in section 130.30 of the penal  
34 law, rape in the first degree as defined in section 130.35 of the penal  
35 law, criminal sexual act in the third degree as defined in section  
36 130.40 of the penal law, criminal sexual act in the second degree as  
37 defined in section 130.45 of the penal law, criminal sexual act in the  
38 first degree as defined in section 130.50 of the penal law, sexual abuse  
39 in the first degree as defined in section 130.65 of the penal law,  
40 unlawful imprisonment in the first degree as defined in section 135.10  
41 of the penal law, kidnapping in the second degree as defined in section  
42 135.20 of the penal law, kidnapping in the first degree as defined in  
43 section 135.25 of the penal law, labor trafficking as defined in section  
44 135.35 of the penal law, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN  
45 SECTION 135.37 OF THE PENAL LAW, custodial interference in the first  
46 degree as defined in section 135.50 of the penal law, coercion in the  
47 first degree as defined in section 135.65 of the penal law, criminal  
48 trespass in the first degree as defined in section 140.17 of the penal  
49 law, burglary in the third degree as defined in section 140.20 of the  
50 penal law, burglary in the second degree as defined in section 140.25 of  
51 the penal law, burglary in the first degree as defined in section 140.30  
52 of the penal law, criminal mischief in the third degree as defined in  
53 section 145.05 of the penal law, criminal mischief in the second degree  
54 as defined in section 145.10 of the penal law, criminal mischief in the  
55 first degree as defined in section 145.12 of the penal law, criminal  
56 tampering in the first degree as defined in section 145.20 of the penal

1 law, arson in the fourth degree as defined in section 150.05 of the  
2 penal law, arson in the third degree as defined in section 150.10 of the  
3 penal law, arson in the second degree as defined in section 150.15 of  
4 the penal law, arson in the first degree as defined in section 150.20 of  
5 the penal law, grand larceny in the fourth degree as defined in section  
6 155.30 of the penal law, grand larceny in the third degree as defined in  
7 section 155.35 of the penal law, grand larceny in the second degree as  
8 defined in section 155.40 of the penal law, grand larceny in the first  
9 degree as defined in section 155.42 of the penal law, health care fraud  
10 in the fourth degree as defined in section 177.10 of the penal law,  
11 health care fraud in the third degree as defined in section 177.15 of  
12 the penal law, health care fraud in the second degree as defined in  
13 section 177.20 of the penal law, health care fraud in the first degree  
14 as defined in section 177.25 of the penal law, robbery in the third  
15 degree as defined in section 160.05 of the penal law, robbery in the  
16 second degree as defined in section 160.10 of the penal law, robbery in  
17 the first degree as defined in section 160.15 of the penal law, unlawful  
18 use of secret scientific material as defined in section 165.07 of the  
19 penal law, criminal possession of stolen property in the fourth degree  
20 as defined in section 165.45 of the penal law, criminal possession of  
21 stolen property in the third degree as defined in section 165.50 of the  
22 penal law, criminal possession of stolen property in the second degree  
23 as defined by section 165.52 of the penal law, criminal possession of  
24 stolen property in the first degree as defined by section 165.54 of the  
25 penal law, trademark counterfeiting in the second degree as defined in  
26 section 165.72 of the penal law, trademark counterfeiting in the first  
27 degree as defined in section 165.73 of the penal law, forgery in the  
28 second degree as defined in section 170.10 of the penal law, forgery in  
29 the first degree as defined in section 170.15 of the penal law, criminal  
30 possession of a forged instrument in the second degree as defined in  
31 section 170.25 of the penal law, criminal possession of a forged instru-  
32 ment in the first degree as defined in section 170.30 of the penal law,  
33 criminal possession of forgery devices as defined in section 170.40 of  
34 the penal law, falsifying business records in the first degree as  
35 defined in section 175.10 of the penal law, tampering with public  
36 records in the first degree as defined in section 175.25 of the penal  
37 law, offering a false instrument for filing in the first degree as  
38 defined in section 175.35 of the penal law, issuing a false certificate  
39 as defined in section 175.40 of the penal law, criminal diversion of  
40 prescription medications and prescriptions in the second degree as  
41 defined in section 178.20 of the penal law, criminal diversion of  
42 prescription medications and prescriptions in the first degree as  
43 defined in section 178.25 of the penal law, residential mortgage fraud  
44 in the fourth degree as defined in section 187.10 of the penal law,  
45 residential mortgage fraud in the third degree as defined in section  
46 187.15 of the penal law, residential mortgage fraud in the second degree  
47 as defined in section 187.20 of the penal law, residential mortgage  
48 fraud in the first degree as defined in section 187.25 of the penal law,  
49 escape in the second degree as defined in section 205.10 of the penal  
50 law, escape in the first degree as defined in section 205.15 of the  
51 penal law, absconding from temporary release in the first degree as  
52 defined in section 205.17 of the penal law, promoting prison contraband  
53 in the first degree as defined in section 205.25 of the penal law,  
54 hindering prosecution in the second degree as defined in section 205.60  
55 of the penal law, hindering prosecution in the first degree as defined  
56 in section 205.65 of the penal law, sex trafficking as defined in

1 section 230.34 of the penal law, criminal possession of a weapon in the  
2 third degree as defined in subdivisions two, three and five of section  
3 265.02 of the penal law, criminal possession of a weapon in the second  
4 degree as defined in section 265.03 of the penal law, criminal  
5 possession of a weapon in the first degree as defined in section 265.04  
6 of the penal law, manufacture, transport, disposition and defacement of  
7 weapons and dangerous instruments and appliances defined as felonies in  
8 subdivisions one, two, and three of section 265.10 of the penal law,  
9 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use  
10 of weapons as defined in subdivision two of section 265.35 of the penal  
11 law, relating to firearms and other dangerous weapons, or failure to  
12 disclose the origin of a recording in the first degree as defined in  
13 section 275.40 of the penal law;

14 (h) Promoting prostitution in the first degree, as defined in section  
15 230.32 of the penal law, promoting prostitution in the second degree, as  
16 defined by subdivision one of section 230.30 of the penal law, PROMOTING  
17 PROSTITUTION IN THE THIRD DEGREE, AS DEFINED IN SECTION 230.25 OF THE  
18 PENAL LAW;

19 S 6. The penal law is amended by adding a new section 230.01 to read  
20 as follows:

21 S 230.01 PROSTITUTION; AFFIRMATIVE DEFENSE.

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

29 S 7. The section heading and subdivision 1 of section 230.02 of the  
30 penal law, as amended by chapter 627 of the laws of 1978, are amended to  
31 read as follows:

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

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

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

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

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

42 S 8. Subdivision 2 of section 230.03 of the penal law, as added by  
43 chapter 191 of the laws of 2011, is amended to read as follows:

44 2. For the purposes of this section, SECTION 230.08 and section 230.19  
45 of this article, "school zone" means (a) in or on or within any build-  
46 ing, structure, athletic playing field, playground or land contained  
47 within the real property boundary line of a public or private elementa-  
48 ry, parochial, intermediate, junior high, vocational, or high school, or  
49 (b) any public sidewalk, street, parking lot, park, playground or  
50 private land, located immediately adjacent to the boundary line of such  
51 school.

52 S 9. Section 230.04 of the penal law, as amended by chapter 74 of the  
53 laws of 2007, is amended to read as follows:

54 S 230.04 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third  
55 degree.

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

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

6 S 10. Section 230.05 of the penal law, as added by chapter 627 of the  
7 laws of 1978, is amended to read as follows:

8 S 230.05 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the  
9 second degree.

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

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

17 S 11. Section 230.06 of the penal law, as added by chapter 627 of the  
18 laws of 1978, is amended to read as follows:

19 S 230.06 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first  
20 degree.

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

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

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

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

29 S 11-a. Section 230.07 of the penal law, as amended by chapter 74 of  
30 the laws of 2007, is amended to read as follows:

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

32 In any prosecution for patronizing a [prostitute] PERSON FOR PROSTITU-  
33 TION in the first or second degrees OR PATRONIZING A PERSON FOR PROSTI-  
34 TUTION IN A SCHOOL ZONE, it is a defense that the defendant did not have  
35 reasonable grounds to believe that the person was less than the age  
36 specified.

37 S 12. The penal law is amended by adding a new section 230.08 to read  
38 as follows:

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

40 1. A PERSON IS GUILTY OF PATRONIZING A PERSON FOR PROSTITUTION IN A  
41 SCHOOL ZONE WHEN, BEING TWENTY-ONE YEARS OF AGE OR OLDER, HE OR SHE  
42 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS  
43 THAN EIGHTEEN YEARS OF AGE AT A PLACE THAT HE OR SHE KNOWS, OR REASON-  
44 ABLY SHOULD KNOW, IS IN A SCHOOL ZONE.

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

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

49 S 13. The section heading and the opening paragraph of section 230.10  
50 of the penal law are amended to read as follows:

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

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



1 S 14. The penal law is amended by adding three new sections 230.11,  
2 230.12 and 230.13 to read as follows:

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

5 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
6 IN THE THIRD DEGREE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE  
7 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS  
8 THAN SEVENTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN  
9 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-  
10 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF  
11 THIS PART.

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

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

16 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
17 IN THE SECOND DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE  
18 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS  
19 THAN FIFTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN  
20 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-  
21 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF  
22 THIS PART.

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

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

27 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION  
28 IN THE FIRST DEGREE WHEN HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION  
29 AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OLD, OR BEING EIGH-  
30 TEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION  
31 AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE  
32 PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL  
33 CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE  
34 TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART.

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

37 S 15. Subdivisions 1 and 2 of section 230.15 of the penal law are  
38 amended to read as follows:

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

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

53 S 16. Subdivision 1 of section 230.19 of the penal law, as added by  
54 chapter 191 of the laws of 2011, is amended to read as follows:

55 1. A person is guilty of promoting prostitution in a school zone when,  
56 being nineteen years [of age] OLD or [older] MORE, he or she knowingly

1 advances or profits from prostitution that he or she knows or reasonably  
2 should know is or will be committed in violation of section 230.03 of  
3 this article in a school zone during the hours that school is in  
4 session.

5 S 17. The opening paragraph and subdivision 1 of section 230.25 of the  
6 penal law, the opening paragraph as amended by chapter 627 of the laws  
7 of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007,  
8 are amended to read as follows:

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

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

20 S 18. Section 230.30 of the penal law, as amended by chapter 627 of  
21 the laws of 1978, is amended to read as follows:

22 S 230.30 Promoting prostitution in the second degree.

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

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

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

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

31 S 19. The first undesignated paragraph of section 230.32 of the penal  
32 law, as added by chapter 627 of the laws of 1978, is amended to read as  
33 follows:

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

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

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

40 S 20. Section 230.33 of the penal law, as added by chapter 450 of the  
41 laws of 2005, is amended to read as follows:

42 S 230.33 Compelling prostitution.

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

47 Compelling prostitution is a class B felony.

48 S 21. Intentionally omitted.

49 S 22. Section 230.35 of the penal law, as amended by chapter 450 of  
50 the laws of 2005, is amended to read as follows:

51 S 230.35 Promoting or compelling prostitution; accomplice.

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

1 S 23. The first undesignated paragraph of section 230.40 of the penal  
2 law is amended to read as follows:

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

7 S 24. Subdivision 2 of section 240.37 of the penal law, as added by  
8 chapter 344 of the laws of 1976, is amended, and subdivision 3 is renum-  
9 bered subdivision 4 and a new subdivision 3 is added to read as follows:

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

21 3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND  
22 REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO  
23 STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR  
24 REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY  
25 INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF  
26 PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF  
27 THIS PART, SHALL BE GUILTY OF A VIOLATION AND IS GUILTY OF A CLASS B  
28 MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION  
29 OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06 OR 230.08 OF THIS  
30 PART.

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

34 6. Regardless of whether the victim requests to make a statement with  
35 regard to the defendant's sentence, where the defendant is sentenced for  
36 a violent felony offense as defined in section 70.02 of the penal law or  
37 a felony defined in article one hundred twenty-five of such law or any  
38 of the following provisions of such law sections 130.25, 130.30, 130.40,  
39 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,  
40 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of  
41 section 230.30 or 230.32, the prosecutor shall, within sixty days of the  
42 imposition of sentence, provide the victim with a form on which the  
43 victim may indicate a demand to be informed of any petition to change  
44 the name of such defendant. Such forms shall be maintained by such  
45 prosecutor. Upon receipt of a notice of a petition to change the name of  
46 any such defendant, pursuant to subdivision two of section sixty-two of  
47 the civil rights law, the prosecutor shall promptly notify the victim at  
48 the most current address or telephone number provided by such victim in  
49 the most reasonable and expedient possible manner of the time and place  
50 such petition will be presented to the court.

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

54 (i) The judgment is a conviction where the arresting charge was under  
55 section 240.37 (loitering for the purpose of engaging in a prostitution  
56 offense, provided that the defendant was not alleged to be loitering for

the purpose of patronizing a prostitute or promoting prostitution) or 230.00 (prostitution) OR 230.03 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, LABOR TRAFFICKING UNDER SECTION 135.35 OF THE PENAL LAW, AGGRAVATED LABOR TRAFFICKING UNDER SECTION 135.37 OF THE PENAL LAW, COMPELLING PROSTITUTION UNDER SECTION 230.33 OF THE PENAL LAW, or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that

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

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

S 27. Intentionally omitted.

S 28. Section 483-bb of the social services law is amended by adding a new subdivision (c) to read as follows:

(C) AN INDIVIDUAL WHO IS A VICTIM OF THE CONDUCT PROHIBITED BY SECTION 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW MAY BRING A CIVIL ACTION AGAINST THE PERPETRATOR OR WHOEVER KNOWINGLY ADVANCES OR PROFITS FROM, OR WHOEVER SHOULD HAVE KNOWN HE OR SHE WAS ADVANCING OR PROFITING FROM, AN ACT IN VIOLATION OF SECTION 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW TO RECOVER DAMAGES AND REASONABLE ATTORNEY'S FEES.

S 29. Section 212 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

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

S 30. 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 AND DISABILITY ASSISTANCE OR THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE OR THE OFFICE OF VICTIM SERVICES to be a human trafficking victim, that [agency or] LAW ENFORCEMENT AGENCY OR DISTRICT ATTORNEY'S office 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 OR, IN THE CASE OF AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL SERVICES, SHALL NOTIFY THE OFFICE OF TEMPORARY AND DISABILITY

1 ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES IF SUCH VICTIM  
2 CONSENTS TO SEEKING SERVICES PURSUANT TO THIS ARTICLE.

3 S 31. Intentionally omitted.

4 S 32. Section 14 of chapter 74 of the laws of 2007, amending the penal  
5 law, the criminal procedure law, the correction law, the social services  
6 law, and the executive law relating to human trafficking, as amended by  
7 chapter 24 of the laws of 2011, is amended to read as follows:

8 S 14. This act shall take effect on the first of November next  
9 succeeding the date on which it shall have become a law; provided that  
10 section 483-ee of the social services law, as added by section eleven of  
11 this act, shall take effect immediately and shall remain in full force  
12 and effect until September 1, [2013] 2017 when upon such date the  
13 provisions of such section shall expire and be deemed repealed.  
14 Provided, effective immediately, the addition, amendment and/or repeal  
15 of any rule or regulation necessary for the timely implementation of the  
16 provisions of article 10-D of the social services law, as added by  
17 section eleven of this act, on its effective date are authorized to be  
18 made on or before such effective date.

19 S 33. Subdivision (p) of section 10.03 of the mental hygiene law, as  
20 added by chapter 7 of the laws of 2007, is amended to read as follows:

21 (p) "Sex offense" means an act or acts constituting: (1) any felony  
22 defined in article one hundred thirty of the penal law, including a  
23 sexually motivated felony; (2) patronizing a [prostitute] PERSON FOR  
24 PROSTITUTION in the first degree as defined in section 230.06 of the  
25 penal law, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST  
26 DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, AGGRAVATED PATRON-  
27 IZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN  
28 SECTION 230.12 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR  
29 PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE  
30 PENAL LAW, incest in the second degree as defined in section 255.26 of  
31 the penal law, or incest in the first degree as defined in section  
32 255.27 of the penal law; (3) a felony attempt or conspiracy to commit  
33 any of the foregoing offenses set forth in this subdivision; or (4) a  
34 designated felony, as defined in subdivision (f) of this section, if  
35 sexually motivated and committed prior to the effective date of this  
36 article.

37 S 34. Subparagraph (i) of paragraph (a) of subdivision 2 of section  
38 168-a of the correction law, as amended by chapter 405 of the laws of  
39 2008, is amended to read as follows:

40 (i) a conviction of or a conviction for an attempt to commit any of  
41 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,  
42 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two  
43 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20  
44 or 135.25 of such law relating to kidnapping offenses, provided the  
45 victim of such kidnapping or related offense is less than seventeen  
46 years old and the offender is not the parent of the victim, or section  
47 230.04, where the person patronized is in fact less than seventeen years  
48 of age, 230.05 [or], 230.06, [or] 230.11, 230.12, 230.13, subdivision  
49 two of section 230.30, [or] section 230.32 [or], 230.33, OR 230.34 of  
50 the penal law, OR SECTION 230.25 OF THE PENAL LAW WHERE THE PERSON PROS-  
51 TITUTED IS IN FACT LESS THAN SEVENTEEN YEARS OLD, or

52 S 35. Paragraph (b) of subdivision 1 of section 168-d of the  
53 correction law, as amended by chapter 74 of the laws of 2007, is amended  
54 to read as follows:

55 (b) Where a defendant stands convicted of an offense defined in para-  
56 graph (b) of subdivision two of section one hundred sixty-eight-a of

1 this article or where the defendant was convicted of patronizing a  
2 [prostitute] PERSON FOR PROSTITUTION in the third degree under section  
3 230.04 of the penal law and the defendant controverts an allegation that  
4 the victim of such offense was less than eighteen years of age or, in  
5 the case of a conviction under section 230.04 of the penal law, less  
6 than seventeen years of age, the court, without a jury, shall, prior to  
7 sentencing, conduct a hearing, and the people may prove by clear and  
8 convincing evidence that the victim was less than eighteen years [of  
9 age] OLD or less than seventeen years [of age] OLD, as applicable, by  
10 any evidence admissible under the rules applicable to a trial of the  
11 issue of guilt. The court in addition to such admissible evidence may  
12 also consider reliable hearsay evidence submitted by either party  
13 provided that it is relevant to the determination of the age of the  
14 victim. Facts concerning the age of the victim proven at trial or ascer-  
15 tained at the time of entry of a plea of guilty shall be deemed estab-  
16 lished by clear and convincing evidence and shall not be relitigated. At  
17 the conclusion of the hearing, or if the defendant does not controvert  
18 an allegation that the victim of the offense was less than eighteen  
19 years [of age] OLD or less than seventeen years [of age] OLD, as appli-  
20 cable, the court must make a finding and enter an order setting forth  
21 the age of the victim. If the court finds that the victim of such  
22 offense was under eighteen years [of age] OLD or under seventeen years  
23 [of age] OLD, as applicable, the court shall certify the defendant as a  
24 sex offender, the provisions of paragraph (a) of this subdivision shall  
25 apply and the defendant shall register with the division in accordance  
26 with the provisions of this article.

27 S 36. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle  
28 and traffic law, as amended by chapter 400 of the laws of 2011, is  
29 amended to read as follows:

30 (c) The offenses referred to in subparagraph (i) of paragraph (b) of  
31 subdivision one and subparagraph (i) of paragraph (c) of subdivision two  
32 of this section that result in disqualification for a period of five  
33 years shall include a conviction under sections 100.10, 105.13, 115.05,  
34 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,  
35 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,  
36 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,  
37 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,  
38 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06,  
39 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section  
40 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10,  
41 265.12, 265.35 of the penal law or an attempt to commit any of the afor-  
42 esaid offenses under section 110.00 of the penal law, or any similar  
43 offenses committed under a former section of the penal law, or any  
44 offenses committed under a former section of the penal law which would  
45 constitute violations of the aforesaid sections of the penal law, or any  
46 offenses committed outside this state which would constitute violations  
47 of the aforesaid sections of the penal law.

48 S 36-a. The vehicle and traffic law is amended by adding a new section  
49 510-d to read as follows:

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

55 2. A CLASS E DRIVER'S LICENSE MAY BE REVOKED BY THE COMMISSIONER WHEN  
56 THE HOLDER, WHO HAD HIS OR HER DRIVER'S LICENSE SUSPENDED UNDER SUBDIVI-

SION ONE OF THIS SECTION WITHIN THE LAST TEN YEARS, IS CONVICTED OF A SECOND VIOLATION OF SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR 230.40 OF THE PENAL LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO COMMIT SUCH CRIME.

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

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

S 37. 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, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30 OR 230.32 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 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, 230.05, 230.06, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32 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 39. 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, 230.05, 230.06, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32 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 40. Subdivision 3 of section 840 of the executive law is amended by adding a new paragraph (f-1) to read as follows:

(F-1) DEVELOP, MAINTAIN AND DISSEMINATE, IN CONSULTATION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES, WRITTEN POLICIES AND PROCEDURES REGARDING HUMAN TRAFFICKING VICTIMS. SUCH POLICIES AND PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: (1) THE IDENTIFICATION OF POTENTIAL VICTIMS

1 OF HUMAN TRAFFICKING, AS DEFINED UNDER SECTION FOUR HUNDRED  
2 EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW; AND (2) INFORMATION AND/OR  
3 REFERRAL TO APPROPRIATE SOCIAL AND LEGAL SERVICES FOR VICTIMS OF HUMAN  
4 TRAFFICKING IN ACCORDANCE WITH SECTION FOUR HUNDRED EIGHTY-THREE-BB OF  
5 THE SOCIAL SERVICES LAW;

6 S 41. The executive law is amended by adding a new section 214-d to  
7 read as follows:

8 S 214-D. HUMAN TRAFFICKING AWARENESS. THE SUPERINTENDENT, IN CONSULTA-  
9 TION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE  
10 DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL: (1) DEVELOP, MAINTAIN AND  
11 DISSEMINATE TO ALL MEMBERS OF THE STATE POLICE, INCLUDING NEW AND VETER-  
12 AN OFFICERS, WRITTEN POLICIES, PROCEDURES AND EDUCATIONAL MATERIALS  
13 RELATING TO HUMAN TRAFFICKING VICTIMS, INCLUDING SERVICES AVAILABLE FOR  
14 VICTIMS OF HUMAN TRAFFICKING, AS REFERENCED IN SECTION FOUR HUNDRED  
15 EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW; AND (2) ESTABLISH AND IMPLE-  
16 MENT WRITTEN PROCEDURES AND POLICIES IN THE EVENT A MEMBER OF THE DIVI-  
17 SION OF STATE POLICE ENCOUNTERS AN INDIVIDUAL BELIEVED TO BE A VICTIM OF  
18 HUMAN TRAFFICKING, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
19 PROVISION OF INFORMATION AND/OR REFERRAL TO AN APPROPRIATE PROVIDER OF  
20 SOCIAL AND LEGAL SERVICES TO HUMAN TRAFFICKING VICTIMS, IN ACCORDANCE  
21 WITH SUCH SECTION FOUR HUNDRED EIGHTY-THREE-BB.

22 S 42. Severability clause. If any clause, sentence, paragraph, subdi-  
23 vision, section or part of this act shall be adjudged by a court of  
24 competent jurisdiction to be invalid, such judgment shall not affect,  
25 impair or invalidate the remainder thereof, but shall be confined in its  
26 operation to the clause, sentence, paragraph, subdivision, section or  
27 part thereof directly involved in the controversy in which such judgment  
28 shall have been rendered. It is hereby declared to be the intent of the  
29 legislature that this act would have been enacted even if such invalid  
30 provisions had not been included herein.

31 S 43. This act shall take effect on the ninetieth day after it shall  
32 have become a law.