

1266--A

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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Introduced by Sens. PERALTA, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommended to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to designating promoting prostitution in the first degree, compelling prostitution and sex trafficking as class B violent felony offenses and the prostitution of minors

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

1     Section 1. Paragraph (a) of subdivision 1 of section 70.02 of the  
2     penal law, as amended by chapter 368 of the laws of 2015, is amended to  
3     read as follows:  
4     (a) Class B violent felony offenses: an attempt to commit the class  
5     A-I felonies of murder in the second degree as defined in section  
6     125.25, kidnapping in the first degree as defined in section 135.25, and  
7     arson in the first degree as defined in section 150.20; manslaughter in  
8     the first degree as defined in section 125.20, aggravated manslaughter  
9     in the first degree as defined in section 125.22, rape in the first  
10    degree as defined in section 130.35, criminal sexual act in the first  
11    degree as defined in section 130.50, aggravated sexual abuse in the  
12    first degree as defined in section 130.70, course of sexual conduct  
13    against a child in the first degree as defined in section 130.75;  
14    assault in the first degree as defined in section 120.10, kidnapping in  
15    the second degree as defined in section 135.20, burglary in the first  
16    degree as defined in section 140.30, arson in the second degree as  
17    defined in section 150.15, robbery in the first degree as defined in  
18    section 160.15, PROMOTING PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN  
19    SECTION 230.32, COMPELLING PROSTITUTION AS DEFINED IN SECTION 230.33,  
20    sex trafficking as defined in [paragraphs (a) and (b) of subdivision

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

LBD00331-02-6

1 five of] section 230.34, incest in the first degree as defined in  
2 section 255.27, criminal possession of a weapon in the first degree as  
3 defined in section 265.04, criminal use of a firearm in the first degree  
4 as defined in section 265.09, criminal sale of a firearm in the first  
5 degree as defined in section 265.13, aggravated assault upon a police  
6 officer or a peace officer as defined in section 120.11, gang assault in  
7 the first degree as defined in section 120.07, intimidating a victim or  
8 witness in the first degree as defined in section 215.17, hindering  
9 prosecution of terrorism in the first degree as defined in section  
10 490.35, criminal possession of a chemical weapon or biological weapon in  
11 the second degree as defined in section 490.40, and criminal use of a  
12 chemical weapon or biological weapon in the third degree as defined in  
13 section 490.47.

14 S 2. Section 230.30 of the penal law, as amended by chapter 368 of the  
15 laws of 2015, is amended to read as follows:

16 S 230.30 Promoting prostitution in the second degree.

17 A person is guilty of promoting prostitution in the second degree when  
18 he or she knowingly[:

19 1. Advances] ADVANCES prostitution by compelling a person by force or  
20 intimidation to engage in prostitution, or profits from such coercive  
21 conduct by another[; or

22 2. Advances or profits from prostitution of a person less than eigh-  
23 teen years old].

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

25 S 3. Section 230.32 of the penal law, as added by chapter 627 of the  
26 laws of 1978, the opening paragraph and subdivisions 1 and 2 as amended  
27 by chapter 368 of the laws of 2015, is amended to read as follows:

28 S 230.32 Promoting prostitution in the first degree.

29 A person is guilty of promoting prostitution in the first degree when  
30 he or she[:

31 1.] knowingly advances or profits from prostitution of a person less  
32 than [thirteen years old; or

33 2. being twenty-one years old or more, he or she knowingly advances or  
34 profits from prostitution of a person less than fifteen] SIXTEEN years  
35 old.

36 S 4. This act shall take effect on the first of November next succeed-  
37 ing the date on which it shall have become a law; provided, however, if  
38 chapter 368 of the laws of 2015 has not taken effect before such effec-  
39 tive date then this act shall take effect on the same date and in the  
40 same manner as such chapter; and provided, further, that this act shall  
41 apply to offenses committed on or after such date.