

2015-2016 Regular Sessions

I N A S S E M B L Y

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January 7, 2015

Introduced by M. of A. PAULIN, DINOWITZ, SCARBOROUGH, ROSENTHAL, COOK, LAVINE, ZEBROWSKI, ABBATE, CUSICK, ENGLEBRIGHT, GALEF, GUNTHER, JAFFEE, MAGNARELLI, MARKEY, MOYA, ROBERTS, SEPULVEDA, STIRPE, KEARNS, OTIS, BUCHWALD, TITUS, SKOUFIS, SIMOTAS, SCHIMEL, RYAN, RUSSELL, QUART, PRETLOW, PERRY, LIFTON, HEVESI, CLARK, BRONSON, BRINDISI, BARRETT, ARROYO, WEPRIN, STECK, CORWIN, CURRAN, FITZPATRICK, GARBARINO, JOHNS, KATZ, McLAUGHLIN, SALADINO, STEC, TEDISCO, TITONE, MORELLE, MOSLEY, GRAF, BRAUNSTEIN, SKARTADOS, MILLER, CAMARA, SCHIMMINGER, HOOPER, ROZIC, ORTIZ, BROOK-KRASNY, KAVANAGH, CYMBROWITZ, GANTT, DAVILA, MALLIOTAKIS, GOTTFRIED, WRIGHT -- Multi-Sponsored by -- M. of A. ABINANTI, BARCLAY, BRENNAN, COLTON, CRESPO, DiPIETRO, FAHY, FARRELL, GJONAJ, GLICK, GOLDFEDER, HEASTIE, HIKIND, LENTOL, LUPARDO, MAGEE, McDONOUGH, MONTESANO, PALMESANO, PEOPLES-STOKES, RA, RAIA, RAMOS, RIVERA, ROBINSON, RODRIGUEZ, SANTABARBARA, SIMANOWITZ, SOLAGES, TENNEY, THIELE, WALTER -- read once and referred to the Committee on Codes

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:

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

LBD01841-01-5

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

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

5 S 60.13 Authorized dispositions; felony sex offenses.

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

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

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

52 (c) Class D violent felony offenses: an attempt to commit any of the
53 class C felonies set forth in paragraph (b); reckless assault of a child
54 as defined in section 120.02, assault in the second degree as defined in
55 section 120.05, menacing a police officer or peace officer as defined in
56 section 120.18, stalking in the first degree, as defined in subdivision

1 one of section 120.60, strangulation in the second degree as defined in
2 section 121.12, rape in the second degree as defined in section 130.30,
3 criminal sexual act in the second degree as defined in section 130.45,
4 sexual abuse in the first degree as defined in section 130.65, course of
5 sexual conduct against a child in the second degree as defined in
6 section 130.80, aggravated sexual abuse in the third degree as defined
7 in section 130.66, facilitating a sex offense with a controlled
8 substance as defined in section 130.90, LABOR TRAFFICKING AS DEFINED IN
9 PARAGRAPHS (A) AND (B) OF SUBDIVISION THREE OF SECTION 135.35, criminal
10 possession of a weapon in the third degree as defined in subdivision
11 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
12 a firearm in the third degree as defined in section 265.11, intimidating
13 a victim or witness in the second degree as defined in section 215.16,
14 soliciting or providing support for an act of terrorism in the second
15 degree as defined in section 490.10, and making a terroristic threat as
16 defined in section 490.20, falsely reporting an incident in the first
17 degree as defined in section 240.60, placing a false bomb or hazardous
18 substance in the first degree as defined in section 240.62, placing a
19 false bomb or hazardous substance in a sports stadium or arena, mass
20 transportation facility or enclosed shopping mall as defined in section
21 240.63, and aggravated unpermitted use of indoor pyrotechnics in the
22 first degree as defined in section 405.18.

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

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

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

42 S 135.35 Labor trafficking.

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

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

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

51 [3.] 2. withholding, destroying, or confiscating any actual or
52 purported passport, immigration document, or any other actual or
53 purported government identification document, of another person with
54 intent to impair said person's freedom of movement; provided, however,
55 that this subdivision shall not apply to an attempt to correct a social
56 security administration record or immigration agency record in accord-

1 ance with any local, state, or federal agency requirement, where such
2 attempt is not made for the purpose of any express or implied threat;
3 [4.] 3. using force or engaging in any scheme, plan or pattern to
4 compel or induce such person to engage in or continue to engage in labor
5 activity by means of instilling a fear in such person that, if the
6 demand is not complied with, the actor or another will do one or more of
7 the following:

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

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

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

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

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

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

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

30 Labor trafficking is a class D felony.

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

33 S 135.37 AGGRAVATED LABOR TRAFFICKING.

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

39 AGGRAVATED LABOR TRAFFICKING IS A CLASS C FELONY.

40 S 7. Paragraph (a) of subdivision 1 of section 460.10 of the penal
41 law, as amended by chapter 37 of the laws of 2014, is amended to read as
42 follows:

43 (a) Any of the felonies set forth in this chapter: sections 120.05,
44 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
45 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
46 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
47 135.25 relating to kidnapping; [section] SECTIONS 135.35 AND 135.37
48 relating to labor trafficking; section 135.65 relating to coercion;
49 sections 140.20, 140.25 and 140.30 relating to burglary; sections
50 145.05, 145.10 and 145.12 relating to criminal mischief; article one
51 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and
52 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and
53 177.25 relating to health care fraud; article one hundred sixty relating
54 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-
55 inal possession of stolen property; sections 165.72 and 165.73 relating
56 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,

1 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
2 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
3 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20
4 and 178.25 relating to criminal diversion of prescription medications
5 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
6 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
7 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19; sections 187.10,
8 187.15, 187.20 and 187.25 relating to residential mortgage fraud,
9 sections 190.40 and 190.42 relating to criminal usury; section 190.65
10 relating to schemes to defraud; any felony defined in article four
11 hundred ninety-six; sections 205.60 and 205.65 relating to hindering
12 prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and
13 contempt; section 215.40 relating to tampering with physical evidence;
14 sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39,
15 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and 220.77 relating to
16 controlled substances; sections 225.10 and 225.20 relating to gambling;
17 sections 230.25, 230.30, and 230.32 relating to promoting prostitution;
18 section 230.34 relating to sex trafficking; sections 235.06, 235.07,
19 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15
20 relating to promoting a sexual performance by a child; sections 265.02,
21 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section
22 265.10 which constitute a felony relating to firearms and other danger-
23 ous weapons; sections 265.14 and 265.16 relating to criminal sale of a
24 firearm; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-
25 ized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating
26 to money laundering; or

27 S 8. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of the
28 criminal procedure law, paragraph (b) as amended by chapter 405 of the
29 laws of 2010 and paragraph (h) as amended by chapter 154 of the laws of
30 1990, are amended to read as follows:

31 (b) Any of the following felonies: assault in the second degree as
32 defined in section 120.05 of the penal law, assault in the first degree
33 as defined in section 120.10 of the penal law, reckless endangerment in
34 the first degree as defined in section 120.25 of the penal law, promot-
35 ing a suicide attempt as defined in section 120.30 of the penal law,
36 strangulation in the second degree as defined in section 121.12 of the
37 penal law, strangulation in the first degree as defined in section
38 121.13 of the penal law, criminally negligent homicide as defined in
39 section 125.10 of the penal law, manslaughter in the second degree as
40 defined in section 125.15 of the penal law, manslaughter in the first
41 degree as defined in section 125.20 of the penal law, murder in the
42 second degree as defined in section 125.25 of the penal law, murder in
43 the first degree as defined in section 125.27 of the penal law, abortion
44 in the second degree as defined in section 125.40 of the penal law,
45 abortion in the first degree as defined in section 125.45 of the penal
46 law, rape in the third degree as defined in section 130.25 of the penal
47 law, rape in the second degree as defined in section 130.30 of the penal
48 law, rape in the first degree as defined in section 130.35 of the penal
49 law, criminal sexual act in the third degree as defined in section
50 130.40 of the penal law, criminal sexual act in the second degree as
51 defined in section 130.45 of the penal law, criminal sexual act in the
52 first degree as defined in section 130.50 of the penal law, sexual abuse
53 in the first degree as defined in section 130.65 of the penal law,
54 unlawful imprisonment in the first degree as defined in section 135.10
55 of the penal law, kidnapping in the second degree as defined in section
56 135.20 of the penal law, kidnapping in the first degree as defined in

1 section 135.25 of the penal law, labor trafficking as defined in section
2 135.35 of the penal law, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN
3 SECTION 135.37 OF THE PENAL LAW, custodial interference in the first
4 degree as defined in section 135.50 of the penal law, coercion in the
5 first degree as defined in section 135.65 of the penal law, criminal
6 trespass in the first degree as defined in section 140.17 of the penal
7 law, burglary in the third degree as defined in section 140.20 of the
8 penal law, burglary in the second degree as defined in section 140.25 of
9 the penal law, burglary in the first degree as defined in section 140.30
10 of the penal law, criminal mischief in the third degree as defined in
11 section 145.05 of the penal law, criminal mischief in the second degree
12 as defined in section 145.10 of the penal law, criminal mischief in the
13 first degree as defined in section 145.12 of the penal law, criminal
14 tampering in the first degree as defined in section 145.20 of the penal
15 law, arson in the fourth degree as defined in section 150.05 of the
16 penal law, arson in the third degree as defined in section 150.10 of the
17 penal law, arson in the second degree as defined in section 150.15 of
18 the penal law, arson in the first degree as defined in section 150.20 of
19 the penal law, grand larceny in the fourth degree as defined in section
20 155.30 of the penal law, grand larceny in the third degree as defined in
21 section 155.35 of the penal law, grand larceny in the second degree as
22 defined in section 155.40 of the penal law, grand larceny in the first
23 degree as defined in section 155.42 of the penal law, health care fraud
24 in the fourth degree as defined in section 177.10 of the penal law,
25 health care fraud in the third degree as defined in section 177.15 of
26 the penal law, health care fraud in the second degree as defined in
27 section 177.20 of the penal law, health care fraud in the first degree
28 as defined in section 177.25 of the penal law, robbery in the third
29 degree as defined in section 160.05 of the penal law, robbery in the
30 second degree as defined in section 160.10 of the penal law, robbery in
31 the first degree as defined in section 160.15 of the penal law, unlawful
32 use of secret scientific material as defined in section 165.07 of the
33 penal law, criminal possession of stolen property in the fourth degree
34 as defined in section 165.45 of the penal law, criminal possession of
35 stolen property in the third degree as defined in section 165.50 of the
36 penal law, criminal possession of stolen property in the second degree
37 as defined by section 165.52 of the penal law, criminal possession of
38 stolen property in the first degree as defined by section 165.54 of the
39 penal law, trademark counterfeiting in the second degree as defined in
40 section 165.72 of the penal law, trademark counterfeiting in the first
41 degree as defined in section 165.73 of the penal law, forgery in the
42 second degree as defined in section 170.10 of the penal law, forgery in
43 the first degree as defined in section 170.15 of the penal law, criminal
44 possession of a forged instrument in the second degree as defined in
45 section 170.25 of the penal law, criminal possession of a forged instru-
46 ment in the first degree as defined in section 170.30 of the penal law,
47 criminal possession of forgery devices as defined in section 170.40 of
48 the penal law, falsifying business records in the first degree as
49 defined in section 175.10 of the penal law, tampering with public
50 records in the first degree as defined in section 175.25 of the penal
51 law, offering a false instrument for filing in the first degree as
52 defined in section 175.35 of the penal law, issuing a false certificate
53 as defined in section 175.40 of the penal law, criminal diversion of
54 prescription medications and prescriptions in the second degree as
55 defined in section 178.20 of the penal law, criminal diversion of
56 prescription medications and prescriptions in the first degree as

1 defined in section 178.25 of the penal law, residential mortgage fraud
2 in the fourth degree as defined in section 187.10 of the penal law,
3 residential mortgage fraud in the third degree as defined in section
4 187.15 of the penal law, residential mortgage fraud in the second degree
5 as defined in section 187.20 of the penal law, residential mortgage
6 fraud in the first degree as defined in section 187.25 of the penal law,
7 escape in the second degree as defined in section 205.10 of the penal
8 law, escape in the first degree as defined in section 205.15 of the
9 penal law, absconding from temporary release in the first degree as
10 defined in section 205.17 of the penal law, promoting prison contraband
11 in the first degree as defined in section 205.25 of the penal law,
12 hindering prosecution in the second degree as defined in section 205.60
13 of the penal law, hindering prosecution in the first degree as defined
14 in section 205.65 of the penal law, sex trafficking as defined in
15 section 230.34 of the penal law, criminal possession of a weapon in the
16 third degree as defined in subdivisions two, three and five of section
17 265.02 of the penal law, criminal possession of a weapon in the second
18 degree as defined in section 265.03 of the penal law, criminal
19 possession of a weapon in the first degree as defined in section 265.04
20 of the penal law, manufacture, transport, disposition and defacement of
21 weapons and dangerous instruments and appliances defined as felonies in
22 subdivisions one, two, and three of section 265.10 of the penal law,
23 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
24 of weapons as defined in subdivision two of section 265.35 of the penal
25 law, relating to firearms and other dangerous weapons, or failure to
26 disclose the origin of a recording in the first degree as defined in
27 section 275.40 of the penal law;

28 (h) Promoting prostitution in the first degree, as defined in section
29 230.32 of the penal law, promoting prostitution in the second degree, as
30 defined by subdivision one of section 230.30 of the penal law, PROMOTING
31 PROSTITUTION IN THE THIRD DEGREE, AS DEFINED IN SECTION 230.25 OF THE
32 PENAL LAW;

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

35 S 230.01 PROSTITUTION; AFFIRMATIVE DEFENSE.

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

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

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

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

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

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

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

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

3 2. For the purposes of this section, SECTION 230.08 and section 230.19
4 of this article, "school zone" means (a) in or on or within any build-
5 ing, structure, athletic playing field, playground or land contained
6 within the real property boundary line of a public or private elementa-
7 ry, parochial, intermediate, junior high, vocational, or high school, or
8 (b) any public sidewalk, street, parking lot, park, playground or
9 private land, located immediately adjacent to the boundary line of such
10 school.

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

13 S 230.04 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third
14 degree.

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

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

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

22 S 230.05 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the
23 second degree.

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

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

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

33 S 230.06 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first
34 degree.

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

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

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

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

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

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

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

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

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

54 1. A PERSON IS GUILTY OF PATRONIZING A PERSON FOR PROSTITUTION IN A
55 SCHOOL ZONE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE PATRON-
56 IZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN

1 EIGHTEEN YEARS OLD AT A PLACE THAT HE OR SHE KNOWS, OR REASONABLY SHOULD
2 KNOW, IS IN A SCHOOL ZONE.

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

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

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

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

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

15 S 18. The penal law is amended by adding three new sections 230.11,
16 230.12 and 230.13 to read as follows:

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

19 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
20 IN THE THIRD DEGREE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE
21 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS
22 THAN SEVENTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN
23 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-
24 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF
25 THIS PART, WITH THE PERSON PATRONIZED.

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

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

30 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
31 IN THE SECOND DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE
32 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS
33 THAN FIFTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN
34 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-
35 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF
36 THIS PART, WITH THE PERSON PATRONIZED.

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

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

41 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
42 IN THE FIRST DEGREE WHEN HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION
43 AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OLD, OR BEING EIGH-
44 TEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION
45 AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE
46 PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL
47 CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE
48 TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART, WITH THE PERSON
49 PATRONIZED.

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

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

54 1. "Advance prostitution." A person "advances prostitution" when,
55 acting other than as a [prostitute] PERSON IN PROSTITUTION or as a
56 patron thereof, he OR SHE knowingly causes or aids a person to commit or

1 engage in prostitution, procures or solicits patrons for prostitution,
2 provides persons or premises for prostitution purposes, operates or
3 assists in the operation of a house of prostitution or a prostitution
4 enterprise, or engages in any other conduct designed to institute, aid
5 or facilitate an act or enterprise of prostitution.

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

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

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

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

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

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

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

37 S 230.30 Promoting prostitution in the second degree.

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

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

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

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

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

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

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

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

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

1 S 230.33 Compelling prostitution.

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

6 Compelling prostitution is a class B felony.

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

9 S 230.35 Promoting or compelling prostitution; accomplice.

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

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

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

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

24 2. Any person who remains or wanders about in a public place and
25 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to
26 stop, or repeatedly attempts to engage passers-by in conversation, or
27 repeatedly stops or attempts to stop motor vehicles, or repeatedly
28 interferes with the free passage of other persons, for the purpose of
29 prostitution[, or of patronizing a prostitute as those terms are] AS
30 THAT TERM IS defined in article two hundred thirty of [the penal law]
31 THIS PART, shall be guilty of a violation and is guilty of a class B
32 misdemeanor if such person has previously been convicted of a violation
33 of this section or of [sections] SECTION 230.00 [or 230.05] of [the
34 penal law] THIS PART.

35 3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND
36 REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO
37 STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR
38 REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY
39 INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF
40 PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF
41 THIS PART, SHALL BE GUILTY OF A VIOLATION AND IS GUILTY OF A CLASS B
42 MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION
43 OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06 OR 230.08 OF THIS
44 PART.

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

48 6. Regardless of whether the victim requests to make a statement with
49 regard to the defendant's sentence, where the defendant is sentenced for
50 a violent felony offense as defined in section 70.02 of the penal law or
51 a felony defined in article one hundred twenty-five of such law or any
52 of the following provisions of such law sections 130.25, 130.30, 130.40,
53 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,
54 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of
55 section 230.30 or 230.32, the prosecutor shall, within sixty days of the
56 imposition of sentence, provide the victim with a form on which the

1 victim may indicate a demand to be informed of any petition to change
2 the name of such defendant. Such forms shall be maintained by such
3 prosecutor. Upon receipt of a notice of a petition to change the name of
4 any such defendant, pursuant to subdivision two of section sixty-two of
5 the civil rights law, the prosecutor shall promptly notify the victim at
6 the most current address or telephone number provided by such victim in
7 the most reasonable and expedient possible manner of the time and place
8 such petition will be presented to the court.

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

12 (i) The judgment is a conviction where the arresting charge was under
13 section 240.37 (loitering for the purpose of engaging in a prostitution
14 offense, provided that the defendant was not alleged to be loitering for
15 the purpose of patronizing a [prostitute] PERSON FOR PROSTITUTION or
16 promoting prostitution) or 230.00 (prostitution) OR 230.03 (PROSTITUTION
17 IN A SCHOOL ZONE) of the penal law, and the defendant's participation in
18 the offense was a result of having been a victim of sex trafficking
19 under section 230.34 of the penal law, LABOR TRAFFICKING UNDER SECTION
20 135.35 OF THE PENAL LAW, AGGRAVATED LABOR TRAFFICKING UNDER SECTION
21 135.37 OF THE PENAL LAW, COMPELLING PROSTITUTION UNDER SECTION 230.33 OF
22 THE PENAL LAW, or trafficking in persons under the Trafficking Victims
23 Protection Act (United States Code, title 22, chapter 78); provided that

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

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

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

41 (C) AN INDIVIDUAL WHO IS A VICTIM OF THE CONDUCT PROHIBITED BY SECTION
42 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW MAY BRING A CIVIL
43 ACTION AGAINST THE PERPETRATOR OR WHOEVER KNOWINGLY ADVANCES OR PROFITS
44 FROM, OR WHOEVER SHOULD HAVE KNOWN HE OR SHE WAS ADVANCING OR PROFITING
45 FROM, AN ACT IN VIOLATION OF SECTION 230.33, 230.34, 135.35 OR 135.37 OF
46 THE PENAL LAW TO RECOVER DAMAGES AND REASONABLE ATTORNEY'S FEES.

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

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

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

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

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

20 S 14. This act shall take effect on the first of November next
21 succeeding the date on which it shall have become a law; provided that
22 section 483-ee of the social services law, as added by section eleven of
23 this act, shall take effect immediately and shall remain in full force
24 and effect until September 1, [2013] 2019 when upon such date the
25 provisions of such section shall expire and be deemed repealed.
26 Provided, effective immediately, the addition, amendment and/or repeal
27 of any rule or regulation necessary for the timely implementation of the
28 provisions of article 10-D of the social services law, as added by
29 section eleven of this act, on its effective date are authorized to be
30 made on or before such effective date.

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

33 (p) "Sex offense" means an act or acts constituting: (1) any felony
34 defined in article one hundred thirty of the penal law, including a
35 sexually motivated felony; (2) patronizing a [prostitute] PERSON FOR
36 PROSTITUTION in the first degree as defined in section 230.06 of the
37 penal law, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST
38 DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, AGGRAVATED PATRON-
39 IZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN
40 SECTION 230.12 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR
41 PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE
42 PENAL LAW, incest in the second degree as defined in section 255.26 of
43 the penal law, or incest in the first degree as defined in section
44 255.27 of the penal law; (3) a felony attempt or conspiracy to commit
45 any of the foregoing offenses set forth in this subdivision; or (4) a
46 designated felony, as defined in subdivision (f) of this section, if
47 sexually motivated and committed prior to the effective date of this
48 article.

49 S 35. Subparagraph (i) of paragraph (a) of subdivision 2 of section
50 168-a of the correction law, as amended by chapter 405 of the laws of
51 2008, is amended to read as follows:

52 (i) a conviction of or a conviction for an attempt to commit any of
53 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
54 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two
55 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20
56 or 135.25 of such law relating to kidnapping offenses, provided the

1 victim of such kidnapping or related offense is less than seventeen
2 years old and the offender is not the parent of the victim, or section
3 230.04, where the person patronized is in fact less than seventeen years
4 of age, 230.05 [or], 230.06, [or] 230.11, 230.12, 230.13, subdivision
5 two of section 230.30, [or] section 230.32 [or], 230.33, OR 230.34 of
6 the penal law, OR SECTION 230.25 OF THE PENAL LAW WHERE THE PERSON PROS-
7 TITUTED IS IN FACT LESS THAN SEVENTEEN YEARS OLD, or

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

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

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

42 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
43 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
44 of this section that result in disqualification for a period of five
45 years shall include a conviction under sections 100.10, 105.13, 115.05,
46 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
47 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
48 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
49 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,
50 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06,
51 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section
52 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10,
53 265.12, 265.35 of the penal law or an attempt to commit any of the afor-
54 esaid offenses under section 110.00 of the penal law, or any similar
55 offenses committed under a former section of the penal law, or any
56 offenses committed under a former section of the penal law which would

1 constitute violations of the aforesaid sections of the penal law, or any
2 offenses committed outside this state which would constitute violations
3 of the aforesaid sections of the penal law.

4 S 38. The vehicle and traffic law is amended by adding a new section
5 510-d to read as follows:

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

11 2. A CLASS E DRIVER'S LICENSE MAY BE REVOKED BY THE COMMISSIONER WHEN
12 THE HOLDER, WHO HAD HIS OR HER DRIVER'S LICENSE SUSPENDED UNDER SUBDIVI-
13 SION ONE OF THIS SECTION WITHIN THE LAST TEN YEARS, IS CONVICTED OF A
14 SECOND VIOLATION OF SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR
15 230.40 OF THE PENAL LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO
16 COMMIT SUCH CRIME.

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

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

29 S 39. Section 2324-a of the public health law, as amended by chapter
30 260 of the laws of 1978, is amended to read as follows:

31 S 2324-a. Presumptive evidence. For the purposes of this title, two
32 or more convictions of any person or persons had, within a period of one
33 year, for any of the offenses described in section 230.00, 230.05,
34 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30 OR
35 230.32 of the penal law arising out of conduct engaged in at the same
36 real property consisting of a dwelling as that term is defined in subdi-
37 vision four of section four of the multiple dwelling law shall be
38 presumptive evidence of conduct constituting use of the premises for
39 purposes of prostitution.

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

43 2. For purposes of this section, two or more convictions of any person
44 or persons had, within a period of one year, for any of the offenses
45 described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13,
46 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law arising out of
47 conduct engaged in at the same real property consisting of a dwelling as
48 that term is defined in subdivision four of section four of the multiple
49 dwelling law shall be presumptive evidence of conduct constituting use
50 of the premises for purposes of prostitution.

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

54 3. For the purposes of this section, two or more convictions of any
55 person or persons had, within a period of one year, for any of the
56 offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12,

1 230.13, 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.

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

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

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

20 S 214-D. HUMAN TRAFFICKING AWARENESS. THE SUPERINTENDENT, IN CONSULTATION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL: (1) DEVELOP, MAINTAIN AND DISSEMINATE TO ALL MEMBERS OF THE STATE POLICE, INCLUDING NEW AND VETERAN OFFICERS, WRITTEN POLICIES, PROCEDURES AND EDUCATIONAL MATERIALS RELATING TO HUMAN TRAFFICKING VICTIMS, INCLUDING SERVICES AVAILABLE FOR VICTIMS OF HUMAN TRAFFICKING, AS REFERENCED IN SECTION FOUR HUNDRED EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW; AND (2) ESTABLISH AND IMPLEMENT WRITTEN PROCEDURES AND POLICIES IN THE EVENT A MEMBER OF THE DIVISION OF STATE POLICE ENCOUNTERS AN INDIVIDUAL BELIEVED TO BE A VICTIM OF HUMAN TRAFFICKING, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROVISION OF INFORMATION AND/OR REFERRAL TO AN APPROPRIATE PROVIDER OF SOCIAL AND LEGAL SERVICES TO HUMAN TRAFFICKING VICTIMS, IN ACCORDANCE WITH SUCH SECTION FOUR HUNDRED EIGHTY-THREE-BB.

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

43 S 45. Notwithstanding the provisions of article 5 of the general construction law, the provisions of section 483-ee of the social services law, as added by chapter 74 of the laws of 2007, are hereby revived and shall continue in full force and effect as such provisions existed on August 31, 2013.

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