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

1266--A

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sens. PERALTA, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted 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:

Section 1. Paragraph (a) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, PROMOTING PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.32, COMPELLING PROSTITUTION AS DEFINED IN SECTION 230.33, 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.

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five of] section 230.34, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

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

S 230.30 Promoting prostitution in the second degree.

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

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

2. Advances or profits from prostitution of a person less than eighteen years old].

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

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

S 230.32 Promoting prostitution in the first degree.

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

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

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

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided, however, if chapter 368 of the laws of 2015 has not taken effect before such effective date then this act shall take effect on the same date and in the same manner as such chapter; and provided, further, that this act shall apply to offenses committed on or after such date.