

STATE OF NEW YORK

6823

2017-2018 Regular Sessions

IN ASSEMBLY

March 21, 2017

Introduced by M. of A. PAULIN, DINOWITZ, BARRETT, BLAKE, COLTON,
GUNTHER, PALMESANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of sex trafficking of a child and in relation to promoting prostitution; to amend the penal law, the correction law, the criminal procedure law, the social services law, the vehicle and traffic law, the administrative code of the city of New York, the civil rights law, the family court act, the mental hygiene law, the real property actions and proceedings law, the public health law, the executive law, the general business law and the real property law, in relation to making technical corrections concerning sex trafficking of a child and promoting prostitution; and to repeal certain provisions of the penal law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 230.34-a
2 to read as follows:

3 § 230.34-a Sex trafficking of a child.

4 1. A person is guilty of sex trafficking of a child when he or she
5 intentionally advances or profits from prostitution of another person
6 and such other person is a child less than eighteen years old. Knowledge
7 by the defendant of the age of such child is not an element of this
8 offense and it is not a defense to a prosecution therefor that the
9 defendant did not know the age of the child or believed such age to be
10 the same as or greater than that specified in this section.

11 2. In any prosecution under this section in which the defendant is
12 less than nineteen years old, it is an affirmative defense that the
13 defendant's participation in the offense was a result of having been a
14 victim of sex trafficking under section 230.34 of this article or a
15 victim of trafficking in persons under the trafficking victims

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

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protection act (United States Code, Title 22, Chapter 78) at the time of the instant offense.

Sex trafficking of a child is a class B felony.

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

§ 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.

§ 3. Sections 230.32 and 230.33 of the penal law are REPEALED.

§ 4. 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, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, 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.

§ 5. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 368 of the laws of 2015, 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; sections 135.35 and 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20,

1 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and
2 145.12 relating to criminal mischief; article one hundred fifty relating
3 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
4 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
5 care fraud; article one hundred sixty relating to robbery; sections
6 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
7 stolen property; sections 165.72 and 165.73 relating to trademark coun-
8 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
9 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
10 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
11 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
12 to criminal diversion of prescription medications and prescriptions;
13 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
14 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,
15 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25
16 relating to residential mortgage fraud, sections 190.40 and 190.42
17 relating to criminal usury; section 190.65 relating to schemes to
18 defraud; any felony defined in article four hundred ninety-six; sections
19 205.60 and 205.65 relating to hindering prosecution; sections 210.10,
20 210.15, and 215.51 relating to perjury and contempt; section 215.40
21 relating to tampering with physical evidence; sections 220.06, 220.09,
22 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46,
23 220.55, 220.60, 220.65 and 220.77 relating to controlled substances;
24 sections 225.10 and 225.20 relating to gambling; sections 230.25[~~7~~] and
25 ~~230.30[~~7~~, ~~and 230.32~~]~~ relating to promoting prostitution; section 230.34
26 relating to sex trafficking; section 230.34-a relating to sex traffick-
27 ing of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to
28 obscenity; sections 263.10 and 263.15 relating to promoting a sexual
29 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,
30 265.13 and the provisions of section 265.10 which constitute a felony
31 relating to firearms and other dangerous weapons; sections 265.14 and
32 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,
33 275.30, or 275.40 relating to unauthorized recordings; and sections
34 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

35 § 6. Subdivision 4 of section 60.05 of the penal law, as amended by
36 chapter 738 of the laws of 2004, is amended to read as follows:

37 4. Certain class C felonies. Except as provided in subdivision six,
38 every person convicted of a class C violent felony offense as defined in
39 subdivision one of section 70.02 of this title, must be sentenced to
40 imprisonment in accordance with section 70.02 of this title; and, except
41 as provided in subdivision six of this section, every person convicted
42 of the class C felonies of: attempt to commit any of the class B felo-
43 nies of bribery in the first degree as defined in section 200.04, bribe
44 receiving in the first degree as defined in section 200.12, conspiracy
45 in the second degree as defined in section 105.15 and criminal mischief
46 in the first degree as defined in section 145.12; criminal usury in the
47 first degree as defined in section 190.42, rewarding official misconduct
48 in the first degree as defined in section 200.22, receiving reward for
49 official misconduct in the first degree as defined in section 200.27,
50 ~~[attempt to promote prostitution in the first degree as defined in~~
51 ~~section 230.32,~~] promoting prostitution in the second degree as defined
52 in section 230.30, arson in the third degree as defined in section
53 150.10 of this chapter, must be sentenced to imprisonment in accordance
54 with section 70.00 of this title.

55 § 7. Subdivision 2 of section 130.91 of the penal law, as amended by
56 chapter 405 of the laws of 2010, is amended to read as follows:

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, ~~[promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33,~~ sex trafficking of a child as defined in section 230.34-a, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

§ 8. Subdivision 1 of section 120.70 of the penal law, as added by chapter 405 of the laws of 2008, is amended to read as follows:

1. A person is guilty of luring a child when he or she lures a child into a motor vehicle, aircraft, watercraft, isolated area, building, or part thereof, for the purpose of committing against such child any of the following offenses: an offense as defined in section 70.02 of this chapter; an offense as defined in section 125.25 or 125.27 of this chapter; a felony offense that is a violation of article one hundred thirty of this chapter; an offense as defined in section 135.25 of this chapter; an offense as defined in sections 230.30, ~~[230.33 or]~~ 230.34 or 230.34-a of this chapter; an offense as defined in sections 255.25, 255.26, or 255.27 of this chapter; or an offense as defined in sections 263.05, 263.10, or 263.15 of this chapter. For purposes of this subdivision "child" means a person less than seventeen years of age. Nothing in this section shall be deemed to preclude, if the evidence warrants, a conviction for the commission or attempted commission of any crime, including but not limited to a crime defined in article one hundred thirty-five of this chapter.

§ 9. Section 230.01 of the penal law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

§ 230.01 Prostitution; affirmative defense.

In any prosecution under section 230.00, section 230.03 or subdivision two of section 240.37 of this part, it is an affirmative defense that the defendant's participation in the offense was a result of having been ~~[a victim of compelling prostitution under section 230.33,~~ a victim of sex sex trafficking under section 230.34 of this article, a victim of sex

1 trafficking of a child under section 230.34-a of this article or a
2 victim of trafficking in persons under the trafficking victims
3 protection act (United States Code, Title 22, Chapter 78).

4 § 10. Subparagraph (i) of paragraph (a) of subdivision 2 of section
5 168-a of the correction law, as amended by chapter 368 of the laws of
6 2015, is amended to read as follows:

7 (i) a conviction of or a conviction for an attempt to commit any of
8 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
9 130.45, 130.60, 230.34, 230.34-a, 250.50, 255.25, 255.26 and 255.27 or
10 article two hundred sixty-three of the penal law, or section 135.05,
11 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,
12 provided the victim of such kidnapping or related offense is less than
13 seventeen years old and the offender is not the parent of the victim, or
14 section 230.04, where the person patronized is in fact less than seven-
15 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision
16 two of section 230.30, section [~~230.32, 230.33, or~~] 230.34 of the penal
17 law, or section 230.25 of the penal law where the person prostituted is
18 in fact less than seventeen years old, or

19 § 11. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of the
20 criminal procedure law, as amended by chapter 368 of the laws of 2015,
21 are amended to read as follows:

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

1 of the penal law, criminal mischief in the third degree as defined in
2 section 145.05 of the penal law, criminal mischief in the second degree
3 as defined in section 145.10 of the penal law, criminal mischief in the
4 first degree as defined in section 145.12 of the penal law, criminal
5 tampering in the first degree as defined in section 145.20 of the penal
6 law, arson in the fourth degree as defined in section 150.05 of the
7 penal law, arson in the third degree as defined in section 150.10 of the
8 penal law, arson in the second degree as defined in section 150.15 of
9 the penal law, arson in the first degree as defined in section 150.20 of
10 the penal law, grand larceny in the fourth degree as defined in section
11 155.30 of the penal law, grand larceny in the third degree as defined in
12 section 155.35 of the penal law, grand larceny in the second degree as
13 defined in section 155.40 of the penal law, grand larceny in the first
14 degree as defined in section 155.42 of the penal law, health care fraud
15 in the fourth degree as defined in section 177.10 of the penal law,
16 health care fraud in the third degree as defined in section 177.15 of
17 the penal law, health care fraud in the second degree as defined in
18 section 177.20 of the penal law, health care fraud in the first degree
19 as defined in section 177.25 of the penal law, robbery in the third
20 degree as defined in section 160.05 of the penal law, robbery in the
21 second degree as defined in section 160.10 of the penal law, robbery in
22 the first degree as defined in section 160.15 of the penal law, unlawful
23 use of secret scientific material as defined in section 165.07 of the
24 penal law, criminal possession of stolen property in the fourth degree
25 as defined in section 165.45 of the penal law, criminal possession of
26 stolen property in the third degree as defined in section 165.50 of the
27 penal law, criminal possession of stolen property in the second degree
28 as defined by section 165.52 of the penal law, criminal possession of
29 stolen property in the first degree as defined by section 165.54 of the
30 penal law, trademark counterfeiting in the second degree as defined in
31 section 165.72 of the penal law, trademark counterfeiting in the first
32 degree as defined in section 165.73 of the penal law, forgery in the
33 second degree as defined in section 170.10 of the penal law, forgery in
34 the first degree as defined in section 170.15 of the penal law, criminal
35 possession of a forged instrument in the second degree as defined in
36 section 170.25 of the penal law, criminal possession of a forged instru-
37 ment in the first degree as defined in section 170.30 of the penal law,
38 criminal possession of forgery devices as defined in section 170.40 of
39 the penal law, falsifying business records in the first degree as
40 defined in section 175.10 of the penal law, tampering with public
41 records in the first degree as defined in section 175.25 of the penal
42 law, offering a false instrument for filing in the first degree as
43 defined in section 175.35 of the penal law, issuing a false certificate
44 as defined in section 175.40 of the penal law, criminal diversion of
45 prescription medications and prescriptions in the second degree as
46 defined in section 178.20 of the penal law, criminal diversion of
47 prescription medications and prescriptions in the first degree as
48 defined in section 178.25 of the penal law, residential mortgage fraud
49 in the fourth degree as defined in section 187.10 of the penal law,
50 residential mortgage fraud in the third degree as defined in section
51 187.15 of the penal law, residential mortgage fraud in the second degree
52 as defined in section 187.20 of the penal law, residential mortgage
53 fraud in the first degree as defined in section 187.25 of the penal law,
54 escape in the second degree as defined in section 205.10 of the penal
55 law, escape in the first degree as defined in section 205.15 of the
56 penal law, absconding from temporary release in the first degree as

1 defined in section 205.17 of the penal law, promoting prison contraband
2 in the first degree as defined in section 205.25 of the penal law,
3 hindering prosecution in the second degree as defined in section 205.60
4 of the penal law, hindering prosecution in the first degree as defined
5 in section 205.65 of the penal law, sex trafficking as defined in
6 section 230.34 of the penal law, sex trafficking of a child as defined
7 in section 230.34-a of the penal law, criminal possession of a weapon in
8 the third degree as defined in subdivisions two, three and five of
9 section 265.02 of the penal law, criminal possession of a weapon in the
10 second degree as defined in section 265.03 of the penal law, criminal
11 possession of a weapon in the first degree as defined in section 265.04
12 of the penal law, manufacture, transport, disposition and defacement of
13 weapons and dangerous instruments and appliances defined as felonies in
14 subdivisions one, two, and three of section 265.10 of the penal law,
15 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
16 of weapons as defined in subdivision two of section 265.35 of the penal
17 law, relating to firearms and other dangerous weapons, or failure to
18 disclose the origin of a recording in the first degree as defined in
19 section 275.40 of the penal law;

20 (h) Promoting [~~prostitution in the first degree, as defined in section~~
21 ~~230.32 of the penal law, promoting~~] prostitution in the second degree,
22 as defined by subdivision one of section 230.30 of the penal law,
23 promoting prostitution in the third degree, as defined in section 230.25
24 of the penal law;

25 § 12. Subdivision 6 of section 380.50 of the criminal procedure law,
26 as separately amended by chapters 368 and 394 of the laws of 2015, is
27 amended to read as follows:

28 6. Regardless of whether the victim requests to make a statement with
29 regard to the defendant's sentence, where the defendant is sentenced for
30 a violent felony offense as defined in section 70.02 of the penal law or
31 a felony defined in article one hundred twenty-five of such law or any
32 of the following provisions of such law sections 130.25, 130.30, 130.40,
33 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,
34 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, or subdivision two of
35 section 230.30 [~~ex 230.32~~], the prosecutor shall, within sixty days of
36 the imposition of sentence, provide the victim with a form, prepared and
37 distributed by the commissioner of the division of criminal justice
38 services, in consultation with the director of the office of victim
39 services, on which the victim may indicate a demand to be informed of
40 any petition to change the name of such defendant. Such forms shall be
41 maintained by such prosecutor. Upon receipt of a notice of a petition to
42 change the name of any such defendant, pursuant to subdivision two of
43 section sixty-two of the civil rights law, the prosecutor shall promptly
44 notify the victim at the most current address or telephone number
45 provided by such victim in the most reasonable and expedient possible
46 manner of the time and place such petition will be presented to the
47 court.

48 § 12-a. Paragraph (i) of subdivision 1 of section 440.10 of the crimi-
49 nal procedure law, as amended by chapter 368 of the laws of 2015, is
50 amended to read as follows:

51 (i) The judgment is a conviction where the arresting charge was under
52 section 240.37 (loitering for the purpose of engaging in a prostitution
53 offense, provided that the defendant was not alleged to be loitering for
54 the purpose of patronizing a person for prostitution or promoting pros-
55 titution) or 230.00 (prostitution) or 230.03 (prostitution in a school
56 zone) of the penal law, and the defendant's participation in the offense

1 was a result of having been a victim of sex trafficking under section
2 230.34 of the penal law, sex trafficking of a child under section
3 230.34-a of the penal law, labor trafficking under section 135.35 of the
4 penal law, aggravated labor trafficking under section 135.37 of the
5 penal law, [~~compelling prostitution under section 230.33 of the penal~~
6 ~~law~~] or trafficking in persons under the Trafficking Victims Protection
7 Act (United States Code, title 22, chapter 78); provided that

8 § 13. Subdivision 2 of section 420.35 of the criminal procedure law,
9 as amended by chapter 426 of the laws of 2015, is amended to read as
10 follows:

11 2. Under no circumstances shall the mandatory surcharge, sex offender
12 registration fee, DNA databank fee or the crime victim assistance fee be
13 waived provided, however, that a court may waive the crime victim
14 assistance fee if such defendant is an eligible youth as defined in
15 subdivision two of section 720.10 of this chapter, and the imposition of
16 such fee would work an unreasonable hardship on the defendant, his or
17 her immediate family, or any other person who is dependent on such
18 defendant for financial support. A court shall waive any mandatory
19 surcharge, DNA databank fee and crime victim assistance fee when: (i)
20 the defendant is convicted of loitering for the purpose of engaging in
21 prostitution under section 240.37 of the penal law (provided that the
22 defendant was not convicted of loitering for the purpose of patronizing
23 a person for prostitution); (ii) the defendant is convicted of prostitu-
24 tion under section 230.00 of the penal law; (iii) the defendant is
25 convicted of a violation in the event such conviction is in lieu of a
26 plea to or conviction for loitering for the purpose of engaging in pros-
27 titution under section 240.37 of the penal law (provided that the
28 defendant was not alleged to be loitering for the purpose of patronizing
29 a person for prostitution) or prostitution under section 230.00 of the
30 penal law; or (iv) the court finds that a defendant is a victim of sex
31 trafficking under section 230.34 of the penal law or a victim of traf-
32 ficking in persons under the trafficking victims protection act (United
33 States Code, Title 22, Chapter 78); or (v) the court finds that the
34 defendant is a victim of sex trafficking of a child under section
35 230.34-a of the penal law.

36 § 14. Subdivision 3 of section 427-a of the social services law, as
37 added by chapter 452 of the laws of 2007, is amended to read as follows:

38 3. The criteria for determining which cases may be placed in the
39 assessment track shall be determined by the local department of social
40 services, in conjunction with the office of children and family services
41 and after consultation with the office for the prevention of domestic
42 violence. Provided, however, that reports including any of the following
43 allegations shall not be included in the assessment track of a differen-
44 tial response program:

45 (a) reports alleging that the subject committed or allowed to be
46 committed an offense defined in article one hundred thirty of the penal
47 law;

48 (b) reports alleging that the subject allowed, permitted or encouraged
49 a child to engage in any act described in sections 230.25[~~7~~] and 230.30
50 [~~and 230.32~~] of the penal law;

51 (c) reports alleging that the subject committed any of the acts
52 described in section 255.25, 255.26 or 255.27 of the penal law;

53 (d) reports alleging that the subject allowed a child to engage in
54 acts or conduct described in article two hundred sixty-three of the
55 penal law;

(e) reports alleging that the subject committed assault in the first, second or third degree against a child;

(f) reports alleging that the subject committed or attempted to commit murder or manslaughter in the first or second degree;

(g) reports alleging that the subject abandoned a child pursuant to subdivision five of section three hundred eighty-four-b of this article;

(h) reports alleging that the subject has subjected a child to severe or repeated abuse as those terms are defined in paragraphs (a) and (b) of subdivision eight of section three hundred eighty-four-b of this article; and

(i) reports alleging that the subject has neglected a child so as to substantially endanger the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect.

§ 15. Subdivision 1 of section 447-a of the social services law, as amended by section 1 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

1. The term "sexually exploited child" means any person under the age of eighteen who has been subject to sexual exploitation because he or she:

(a) is the victim of the crime of sex trafficking as defined in section 230.34 of the penal law or the crime of sex trafficking of a child as defined in section 230.34-a of the penal law;

(b) engages in any act as defined in section 230.00 of the penal law;

(c) ~~[is a victim of the crime of compelling prostitution as defined in section 230.33 of the penal law,~~

~~(d)]~~ engages in acts or conduct described in article two hundred sixty-three or section 240.37 of the penal law.

§ 16. Subdivision (c) of section 483-bb of the social services law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

(c) An individual who is a victim of the conduct prohibited by section ~~[230.33,~~ 230.34, 230.34-a, 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, 230.34-a, 135.35 or 135.37 of the penal law to recover damages and reasonable attorney's fees.

§ 17. Paragraph (a) of subdivision 4 of section 509-cc of the vehicle and traffic law, as amended by chapter 400 of the laws of 2011, is amended to read as follows:

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

§ 18. Subdivisions 1 and 2 of section 510-d of the vehicle and traffic law, as added by chapter 368 of the laws of 2015, are amended to read as follows:

1 1. A class E driver's license shall be suspended by the commissioner
2 for a period of one year where the holder is convicted of a violation of
3 section 230.20, 230.25, 230.30, ~~[230.32,]~~ 230.34, 230.34-a or 230.40 of
4 the penal law and the holder used a for hire motor vehicle to commit
5 such crime.

6 2. A class E driver's license may be revoked by the commissioner when
7 the holder, who had his or her driver's license suspended under subdivi-
8 sion one of this section within the last ten years, is convicted of a
9 second violation of section 230.20, 230.25, 230.30, ~~[230.32,]~~ 230.34,
10 230.34-a or 230.40 of the penal law and the holder used a for hire motor
11 vehicle to commit such crime.

12 § 19. Subdivision a of section 3-118 of the administrative code of the
13 city of New York, as added by local law number 39 of the city of New
14 York for the year 2016, is amended to read as follows:

15 a. For the purposes of this section, the following terms have the
16 following meanings:

17 Homeless youth. The term "homeless youth" means persons under the age
18 of 21 who are in need of services and are without a place of shelter
19 where supervision and care are available.

20 Runaway youth. The term "runaway youth" means persons under the age of
21 18 years who are absent from their legal residence without the consent
22 of their parent, legal guardian or custodian.

23 Sexually exploited youth. The term "sexually exploited youth" means
24 persons under the age of 18 who have been subject to sexual exploitation
25 because they (a) are the victim of the crime of sex trafficking as
26 defined in section 230.34 of the penal law; (b) engage in any act as
27 defined in section 230.00 of the penal law; (c) ~~[are a victim of the~~
28 ~~crime of compelling prostitution as defined in section 230.33 of the~~
29 ~~penal law]~~ are a victim of the crime of sex trafficking of a child as
30 defined in section 230.34-a of the penal law; or (d) engage in acts or
31 conduct described in article 263 or section 240.37 of the penal law. The
32 term shall also mean persons under the age of 18 who have been subject
33 to incest in the third degree, second degree or first degree, as defined
34 in sections 255.25, 255.26, and 255.27 of the penal law, respectively,
35 or any of the sex offenses enumerated in article 130 of the penal law.

36 § 20. Subparagraph i of paragraph 7 of subdivision a of section 9-131
37 of the administrative code of the city of New York, as added by local
38 law number 58 of the city of New York for the year 2014, is amended to
39 read as follows:

40 i. a felony defined in any of the following sections of the penal law:

41 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,
42 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,
43 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,
44 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,
45 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,
46 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,
47 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),
48 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,
49 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,
50 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,
51 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,
52 ~~[230.32, 230.33,]~~ 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,
53 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,
54 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,
55 265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10,
56 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2),

270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

§ 21. Subparagraph i of paragraph 6 of subdivision a of section 14-154 of the administrative code of the city of New York, as added by local law number 59 of the city of New York for the year 2014, is amended to read as follows:

i. a felony defined in any of the following sections of the penal law: 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, ~~230.32, 230.33,~~ 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

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

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

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

2. If the petition be to change the name of a person currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, or subdivision two of section 230.30 ~~[or 230.32]~~, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion

1 upon an attorney in an action, upon the district attorney of every coun-
2 ty in which such person has been convicted of such felony and upon the
3 court or courts in which the sentence for such felony was entered.
4 Unless a shorter period of time is ordered by the court, said notice
5 shall be served upon each such district attorney and court or courts not
6 less than sixty days prior to the date on which such petition is noticed
7 to be heard.

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

11 Upon compliance with the order and the filing of the affidavit of the
12 publication, as provided in this section, the clerk of the court in
13 which the order has been entered shall certify that the order has been
14 complied with; and, if the petition states that the petitioner stands
15 convicted of a violent felony offense as defined in section 70.02 of the
16 penal law or a felony defined in article one hundred twenty-five of such
17 law or any of the following provisions of such law sections 130.25,
18 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred
19 sixty-three, 135.10, 135.25, 230.05, 230.06, or subdivision two of
20 section 230.30 [~~ex-230.32~~], such clerk (1) shall deliver, by first class
21 mail, a copy of such certified order to the division of criminal justice
22 services at its office in the county of Albany and (2) upon the clerk of
23 the court reviewing the petitioner's application for name change and
24 subsequent in-court inquiry, may, in the clerk's discretion, deliver, by
25 first class mail, the petitioner's new name with such certified order to
26 the court of competent jurisdiction which imposed the orders of support.
27 Such certification shall appear on the original order and on any certi-
28 fied copy thereof and shall be entered in the clerk's minutes of the
29 proceeding.

30 § 25. Paragraph (iii) of subdivision (e) of section 1012 of the family
31 court act, as amended by chapter 320 of the laws of 2006, is amended to
32 read as follows:

33 (iii) commits, or allows to be committed an offense against such child
34 defined in article one hundred thirty of the penal law; allows, permits
35 or encourages such child to engage in any act described in sections
36 230.25, 230.30 [~~and-230.32~~] and 230.34-a of the penal law; commits any
37 of the acts described in sections 255.25, 255.26 and 255.27 of the penal
38 law; or allows such child to engage in acts or conduct described in
39 article two hundred sixty-three of the penal law provided, however, that
40 (a) the corroboration requirements contained in the penal law and (b)
41 the age requirement for the application of article two hundred sixty-
42 three of such law shall not apply to proceedings under this article.

43 § 26. Subdivision (f) of section 10.03 of the mental hygiene law, as
44 amended by chapter 405 of the laws of 2010, is amended to read as
45 follows:

46 (f) "Designated felony" means any felony offense defined by any of the
47 following provisions of the penal law: assault in the second degree as
48 defined in section 120.05, assault in the first degree as defined in
49 section 120.10, gang assault in the second degree as defined in section
50 120.06, gang assault in the first degree as defined in section 120.07,
51 stalking in the first degree as defined in section 120.60, strangulation
52 in the second degree as defined in section 121.12, strangulation in the
53 first degree as defined in section 121.13, manslaughter in the second
54 degree as defined in subdivision one of section 125.15, manslaughter in
55 the first degree as defined in section 125.20, murder in the second
56 degree as defined in section 125.25, aggravated murder as defined in

1 section 125.26, murder in the first degree as defined in section 125.27,
2 kidnapping in the second degree as defined in section 135.20, kidnapping
3 in the first degree as defined in section 135.25, burglary in the third
4 degree as defined in section 140.20, burglary in the second degree as
5 defined in section 140.25, burglary in the first degree as defined in
6 section 140.30, arson in the second degree as defined in section 150.15,
7 arson in the first degree as defined in section 150.20, robbery in the
8 third degree as defined in section 160.05, robbery in the second degree
9 as defined in section 160.10, robbery in the first degree as defined in
10 section 160.15, promoting prostitution in the second degree as defined
11 in section 230.30, [~~promoting prostitution in the first degree as~~
12 ~~defined in section 230.32, compelling prostitution as defined in section~~
13 ~~230.33,~~ sex trafficking of a child as defined in section 230.34-a,
14 disseminating indecent material to minors in the first degree as defined
15 in section 235.22, use of a child in a sexual performance as defined in
16 section 263.05, promoting an obscene sexual performance by a child as
17 defined in section 263.10, promoting a sexual performance by a child as
18 defined in section 263.15, or any felony attempt or conspiracy to commit
19 any of the foregoing offenses.

20 § 27. Subdivision 2 of section 715 of the real property actions and
21 proceedings law, as amended by chapter 368 of the laws of 2015, is
22 amended to read as follows:

23 2. For purposes of this section, two or more convictions of any person
24 or persons had, within a period of one year, for any of the offenses
25 described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13,
26 230.20, 230.25, 230.30[~~, 230.32~~] or 230.40 of the penal law arising out
27 of conduct engaged in at the same real property consisting of a dwelling
28 as that term is defined in subdivision four of section four of the
29 multiple dwelling law shall be presumptive evidence of conduct consti-
30 tuting use of the premises for purposes of prostitution.

31 § 28. Section 2324-a of the public health law, as amended by chapter
32 368 of the laws of 2015, is amended to read as follows:

33 § 2324-a. Presumptive evidence. For the purposes of this title, two or
34 more convictions of any person or persons had, within a period of one
35 year, for any of the offenses described in section 230.00, 230.05,
36 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30 or
37 [~~230.32~~] 230.34-a of the penal law arising out of conduct engaged in at
38 the same real property consisting of a dwelling as that term is defined
39 in subdivision four of section four of the multiple dwelling law shall
40 be presumptive evidence of conduct constituting use of the premises for
41 purposes of prostitution.

42 § 29. Subdivision 5 of section 621 of the executive law, as amended by
43 chapter 74 of the laws of 2007, is amended to read as follows:

44 5. "Victim" shall mean (a) a person who suffers personal physical
45 injury as a direct result of a crime; (b) a person who is the victim of
46 either the crime of (1) unlawful imprisonment in the first degree as
47 defined in section 135.10 of the penal law, (2) kidnapping in the second
48 degree as defined in section 135.20 of the penal law, (3) kidnapping in
49 the first degree as defined in section 135.25 of the penal law, (4)
50 labor trafficking as defined in section 135.35 of the penal law, [~~or~~]
51 (5) sex trafficking as defined in section 230.34 of the penal law; or
52 (6) sex trafficking of a child as defined in section 230.34-a of the
53 penal law or a person who has had a frivolous lawsuit filed against
54 them.

§ 30. Subdivision 1 of section 631 of the executive law, as amended by section 22 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

1. No award shall be made unless the office finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the office, for good cause shown, finds the delay to have been justified; provided, however, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law or incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of the penal law or sex trafficking as defined in ~~[section]~~ sections 230.34 and 230.34-a of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation. For the purposes of this subdivision, "criminal justice agency" shall include, but not be limited to, a police department, a district attorney's office, and any other governmental agency having responsibility for the enforcement of the criminal laws of the state provided, however, that in cases involving such sex offense a criminal justice agency shall also mean a family court, a governmental agency responsible for child and/or adult protective services pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any medical facility established under the laws of the state that provides a forensic physical examination for victims of rape and sexual assault.

§ 31. Paragraph f of subdivision 1 of section 410 of the general business law, as amended by chapter 80 of the laws of 2015, is amended to read as follows:

f. Conviction of any of the following crimes subsequent to the issuance of a license or registration pursuant to this article: fraud pursuant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and 190.65; falsifying business records pursuant to section 175.10; grand larceny pursuant to article 155; bribery pursuant to sections 180.03, 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40; assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery pursuant to article 160; homicide pursuant to sections 125.25 and 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping and unlawful imprisonment pursuant to sections 135.10, 135.20 and 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03 and 265.04; criminal use of a weapon pursuant to sections 265.08 and 265.09; criminal sale of a weapon pursuant to sections 265.11 and 265.12; ~~[compelling prostitution pursuant to section 230.33,]~~ sex trafficking pursuant to section 230.34; sex trafficking of a child pursuant to section 230.34-a; and sex offenses pursuant to article 130 of the penal law. Provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has

1 been vacated and replaced by a youthful offender finding pursuant to
2 article seven hundred twenty of the criminal procedure law, or the
3 applicable provisions of law of any other jurisdiction; or (iii) a
4 conviction the records of which have been expunged or sealed pursuant to
5 the applicable provisions of the laws of this state or of any other
6 jurisdiction; and (iv) a conviction for which other evidence of success-
7 ful rehabilitation to remove the disability has been issued.

8 § 32. Subdivision 3 of section 231 of the real property law, as
9 amended by chapter 368 of the laws of 2015, is amended to read as
10 follows:

11 3. For the purposes of this section, two or more convictions of any
12 person or persons had, within a period of one year, for any of the
13 offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12,
14 230.13, 230.20, 230.25, 230.30[, ~~230.32~~] or 230.40 of the penal law
15 arising out of conduct engaged in at the same premises consisting of a
16 dwelling as that term is defined in subdivision four of section four of
17 the multiple dwelling law shall be presumptive evidence of unlawful use
18 of such premises and of the owners knowledge of the same.

19 § 33. This act shall take effect on the ninetieth day after it shall
20 have become a law.