

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

3 Sex trafficking of a child is a class B felony.

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

6 § 230.30 Promoting prostitution in the second degree.

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

9 ~~1. Advances~~] advances prostitution by compelling a person by force or  
10 intimidation to engage in prostitution, or profits from such coercive  
11 conduct by another[~~,-or~~

12 ~~2. Advances or profits from prostitution of a person less than eigh-~~  
13 ~~teen years old].~~

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

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 Sections 230.32 and 230.33 of the penal law are REPEALED.

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

19 (a) Class B violent felony offenses: an attempt to commit the class  
20 A-I felonies of murder in the second degree as defined in section  
21 125.25, kidnapping in the first degree as defined in section 135.25, and  
22 arson in the first degree as defined in section 150.20; manslaughter in  
23 the first degree as defined in section 125.20, aggravated manslaughter  
24 in the first degree as defined in section 125.22, rape in the first  
25 degree as defined in section 130.35, criminal sexual act in the first  
26 degree as defined in section 130.50, aggravated sexual abuse in the  
27 first degree as defined in section 130.70, course of sexual conduct  
28 against a child in the first degree as defined in section 130.75;  
29 assault in the first degree as defined in section 120.10, kidnapping in  
30 the second degree as defined in section 135.20, burglary in the first  
31 degree as defined in section 140.30, arson in the second degree as  
32 defined in section 150.15, robbery in the first degree as defined in  
33 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of  
34 subdivision five of section 230.34, sex trafficking of a child as  
35 defined in section 230.34-a, incest in the first degree as defined in  
36 section 255.27, criminal possession of a weapon in the first degree as  
37 defined in section 265.04, criminal use of a firearm in the first degree  
38 as defined in section 265.09, criminal sale of a firearm in the first  
39 degree as defined in section 265.13, aggravated assault upon a police  
40 officer or a peace officer as defined in section 120.11, gang assault in  
41 the first degree as defined in section 120.07, intimidating a victim or  
42 witness in the first degree as defined in section 215.17, hindering  
43 prosecution of terrorism in the first degree as defined in section  
44 490.35, criminal possession of a chemical weapon or biological weapon in  
45 the second degree as defined in section 490.40, and criminal use of a  
46 chemical weapon or biological weapon in the third degree as defined in  
47 section 490.47.

48 § 5. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
49 law, as amended by chapter 368 of the laws of 2015, is amended to read  
50 as follows:

51 (a) Any of the felonies set forth in this chapter: sections 120.05,  
52 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
53 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
54 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
55 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to  
56 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:

1 2. A "specified offense" is a felony offense defined by any of the  
2 following provisions of this chapter: assault in the second degree as  
3 defined in section 120.05, assault in the first degree as defined in  
4 section 120.10, gang assault in the second degree as defined in section  
5 120.06, gang assault in the first degree as defined in section 120.07,  
6 stalking in the first degree as defined in section 120.60, strangulation  
7 in the second degree as defined in section 121.12, strangulation in the  
8 first degree as defined in section 121.13, manslaughter in the second  
9 degree as defined in subdivision one of section 125.15, manslaughter in  
10 the first degree as defined in section 125.20, murder in the second  
11 degree as defined in section 125.25, aggravated murder as defined in  
12 section 125.26, murder in the first degree as defined in section 125.27,  
13 kidnapping in the second degree as defined in section 135.20, kidnapping  
14 in the first degree as defined in section 135.25, burglary in the third  
15 degree as defined in section 140.20, burglary in the second degree as  
16 defined in section 140.25, burglary in the first degree as defined in  
17 section 140.30, arson in the second degree as defined in section 150.15,  
18 arson in the first degree as defined in section 150.20, robbery in the  
19 third degree as defined in section 160.05, robbery in the second degree  
20 as defined in section 160.10, robbery in the first degree as defined in  
21 section 160.15, promoting prostitution in the second degree as defined  
22 in section 230.30, [~~promoting prostitution in the first degree as  
23 defined in section 230.32, compelling prostitution as defined in section  
24 230.33,~~] sex trafficking of a child as defined in section 230.34-a,  
25 disseminating indecent material to minors in the first degree as defined  
26 in section 235.22, use of a child in a sexual performance as defined in  
27 section 263.05, promoting an obscene sexual performance by a child as  
28 defined in section 263.10, promoting a sexual performance by a child as  
29 defined in section 263.15, or any felony attempt or conspiracy to commit  
30 any of the foregoing offenses.

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

33 1. A person is guilty of luring a child when he or she lures a child  
34 into a motor vehicle, aircraft, watercraft, isolated area, building, or  
35 part thereof, for the purpose of committing against such child any of  
36 the following offenses: an offense as defined in section 70.02 of this  
37 chapter; an offense as defined in section 125.25 or 125.27 of this chap-  
38 ter; a felony offense that is a violation of article one hundred thirty  
39 of this chapter; an offense as defined in section 135.25 of this chap-  
40 ter; an offense as defined in sections 230.30, [~~230.33 or~~] 230.34 or  
41 230.34-a of this chapter; an offense as defined in sections 255.25,  
42 255.26, or 255.27 of this chapter; or an offense as defined in sections  
43 263.05, 263.10, or 263.15 of this chapter. For purposes of this subdivi-  
44 sion "child" means a person less than seventeen years of age. Nothing in  
45 this section shall be deemed to preclude, if the evidence warrants, a  
46 conviction for the commission or attempted commission of any crime,  
47 including but not limited to a crime defined in article one hundred  
48 thirty-five of this chapter.

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

51 § 230.01 Prostitution; affirmative defense.

52 In any prosecution under section 230.00, section 230.03 or subdivision  
53 two of section 240.37 of this part, it is an affirmative defense that  
54 the defendant's participation in the offense was a result of having been  
55 [~~a victim of compelling prostitution under section 230.33,~~] a victim of  
56 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;



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

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

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

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

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

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

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

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

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

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

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

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

31 (c) An individual who is a victim of the conduct prohibited by section  
32 ~~[230.33,~~ 230.34, 230.34-a, 135.35 or 135.37 of the penal law may bring  
33 a civil action against the perpetrator or whoever knowingly advances or  
34 profits from, or whoever should have known he or she was advancing or  
35 profiting from, an act in violation of section ~~[230.33,~~ 230.34,  
36 230.34-a, 135.35 or 135.37 of the penal law to recover damages and  
37 reasonable attorney's fees.

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

41 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of  
42 subdivision one and paragraph (a) of subdivision two of this section  
43 that result in permanent disqualification shall include a conviction  
44 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,  
45 125.25, 125.26, 125.27, 130.30, 130.35, 130.45, 130.50, 130.65, 130.66,  
46 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25, 150.20,  
47 230.30, ~~[230.32,~~ 230.34, 230.34-a, 235.22, 263.05, 263.10, 263.11,  
48 263.15, 263.16 of the penal law or an attempt to commit any of the afor-  
49 esaid offenses under section 110.00 of the penal law, or any offenses  
50 committed under a former section of the penal law which would constitute  
51 violations of the aforesaid sections of the penal law, or any offenses  
52 committed outside this state which would constitute violations of the  
53 aforesaid sections of the penal law.

54 § 18. Subdivisions 1 and 2 of section 510-d of the vehicle and traffic  
55 law, as added by chapter 368 of the laws of 2015, are amended to read as  
56 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),

1 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23,  
 2 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40,  
 3 490.45, 490.47, 490.50, or 490.55;

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

8 i. a felony defined in any of the following sections of the penal law:  
 9 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,  
 10 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,  
 11 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,  
 12 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,  
 13 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,  
 14 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,  
 15 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),  
 16 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,  
 17 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,  
 18 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,  
 19 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,  
 20 [~~230.32, 230.33,~~ 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,  
 21 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,  
 22 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,  
 23 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09,  
 24 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19,  
 25 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22,  
 26 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37,  
 27 490.40, 490.45, 490.47, 490.50, or 490.55;

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

31 2. If the petitioner stands convicted of a violent felony offense as  
 32 defined in section 70.02 of the penal law or a felony defined in article  
 33 one hundred twenty-five of such law or any of the following provisions  
 34 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,  
 35 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
 36 or subdivision two of section 230.30 [~~or 230.32~~], and is currently  
 37 confined as an inmate in any correctional facility or currently under  
 38 the supervision of the department of corrections and community super-  
 39 vision or a county probation department as a result of such conviction,  
 40 the petition shall for each such conviction specify such felony  
 41 conviction, the date of such conviction or convictions, and the court in  
 42 which such conviction or convictions were entered.

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

46 2. If the petition be to change the name of a person currently  
 47 confined as an inmate in any correctional facility or currently under  
 48 the supervision of the department of corrections and community super-  
 49 vision or a county probation department as a result of a conviction 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, or subdivision two of section 230.30 [~~or~~  
 55 ~~230.32~~], notice of the time and place when and where the petition will  
 56 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.

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

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

33 § 31. Paragraph f of subdivision 1 of section 410 of the general busi-  
34 ness law, as amended by chapter 80 of the laws of 2015, is amended to  
35 read as follows:

36 f. Conviction of any of the following crimes subsequent to the issu-  
37 ance of a license or registration pursuant to this article: fraud pursu-  
38 ant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and  
39 190.65; falsifying business records pursuant to section 175.10; grand  
40 larceny pursuant to article 155; bribery pursuant to sections 180.03,  
41 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12,  
42 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40;  
43 assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery  
44 pursuant to article 160; homicide pursuant to sections 125.25 and  
45 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping  
46 and unlawful imprisonment pursuant to sections 135.10, 135.20 and  
47 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03  
48 and 265.04; criminal use of a weapon pursuant to sections 265.08 and  
49 265.09; criminal sale of a weapon pursuant to sections 265.11 and  
50 265.12; [~~compelling prostitution pursuant to section 230.33;~~ sex traf-  
51 ficking pursuant to section 230.34; sex trafficking of a child pursuant  
52 to section 230.34-a; and sex offenses pursuant to article 130 of the  
53 penal law. Provided, however, that for the purposes of this article,  
54 none of the following shall be considered criminal convictions or  
55 reported as such: (i) a conviction for which an executive pardon has  
56 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.