

STATE OF NEW YORK

6823--A

2017-2018 Regular Sessions

IN ASSEMBLY

March 21, 2017

Introduced by M. of A. PAULIN, DINOWITZ, BARRETT, BLAKE, COLTON, GUNTHER, PALMESANO, JAFFEE, MOSLEY -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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victim of trafficking in persons under the trafficking victims 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

1 labor trafficking; section 135.65 relating to coercion; sections 140.20,
2 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and
3 145.12 relating to criminal mischief; article one hundred fifty relating
4 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
5 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
6 care fraud; article one hundred sixty relating to robbery; sections
7 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
8 stolen property; sections 165.72 and 165.73 relating to trademark coun-
9 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
10 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
11 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
12 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
13 to criminal diversion of prescription medications and prescriptions;
14 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
15 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,
16 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25
17 relating to residential mortgage fraud, sections 190.40 and 190.42
18 relating to criminal usury; section 190.65 relating to schemes to
19 defraud; any felony defined in article four hundred ninety-six; sections
20 205.60 and 205.65 relating to hindering prosecution; sections 210.10,
21 210.15, and 215.51 relating to perjury and contempt; section 215.40
22 relating to tampering with physical evidence; sections 220.06, 220.09,
23 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46,
24 220.55, 220.60, 220.65 and 220.77 relating to controlled substances;
25 sections 225.10 and 225.20 relating to gambling; sections 230.25[~~7~~] and
26 230.30[~~7~~, and 230.32] relating to promoting prostitution; section 230.34
27 relating to sex trafficking; section 230.34-a relating to sex traffick-
28 ing of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to
29 obscenity; sections 263.10 and 263.15 relating to promoting a sexual
30 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,
31 265.13 and the provisions of section 265.10 which constitute a felony
32 relating to firearms and other dangerous weapons; sections 265.14 and
33 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,
34 275.30, or 275.40 relating to unauthorized recordings; and sections
35 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or
36 § 6. Subdivision 4 of section 60.05 of the penal law, as amended by
37 chapter 738 of the laws of 2004, is amended to read as follows:
38 4. Certain class C felonies. Except as provided in subdivision six,
39 every person convicted of a class C violent felony offense as defined in
40 subdivision one of section 70.02 of this title, must be sentenced to
41 imprisonment in accordance with section 70.02 of this title; and, except
42 as provided in subdivision six of this section, every person convicted
43 of the class C felonies of: attempt to commit any of the class B felo-
44 nies of bribery in the first degree as defined in section 200.04, bribe
45 receiving in the first degree as defined in section 200.12, conspiracy
46 in the second degree as defined in section 105.15 and criminal mischief
47 in the first degree as defined in section 145.12; criminal usury in the
48 first degree as defined in section 190.42, rewarding official misconduct
49 in the first degree as defined in section 200.22, receiving reward for
50 official misconduct in the first degree as defined in section 200.27,
51 ~~[attempt to promote prostitution in the first degree as defined in~~
52 ~~section 230.32,~~] promoting prostitution in the second degree as defined
53 in section 230.30, arson in the third degree as defined in section
54 150.10 of this chapter, must be sentenced to imprisonment in accordance
55 with section 70.00 of this title.

§ 7. Subdivision 2 of section 130.91 of the penal law, as amended by 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

1 [~~a victim of compelling prostitution under section 230.33,~~] a victim of
2 sex trafficking under section 230.34 of this article, a victim of sex
3 trafficking of a child under section 230.34-a of this article or a
4 victim of trafficking in persons under the trafficking victims
5 protection act (United States Code, Title 22, Chapter 78).

6 § 10. Subparagraph (i) of paragraph (a) of subdivision 2 of section
7 168-a of the correction law, as amended by chapter 368 of the laws of
8 2015, is amended to read as follows:

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

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

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

1 penal law, burglary in the second degree as defined in section 140.25 of
2 the penal law, burglary in the first degree as defined in section 140.30
3 of the penal law, criminal mischief in the third degree as defined in
4 section 145.05 of the penal law, criminal mischief in the second degree
5 as defined in section 145.10 of the penal law, criminal mischief in the
6 first degree as defined in section 145.12 of the penal law, criminal
7 tampering in the first degree as defined in section 145.20 of the penal
8 law, arson in the fourth degree as defined in section 150.05 of the
9 penal law, arson in the third degree as defined in section 150.10 of the
10 penal law, arson in the second degree as defined in section 150.15 of
11 the penal law, arson in the first degree as defined in section 150.20 of
12 the penal law, grand larceny in the fourth degree as defined in section
13 155.30 of the penal law, grand larceny in the third degree as defined in
14 section 155.35 of the penal law, grand larceny in the second degree as
15 defined in section 155.40 of the penal law, grand larceny in the first
16 degree as defined in section 155.42 of the penal law, health care fraud
17 in the fourth degree as defined in section 177.10 of the penal law,
18 health care fraud in the third degree as defined in section 177.15 of
19 the penal law, health care fraud in the second degree as defined in
20 section 177.20 of the penal law, health care fraud in the first degree
21 as defined in section 177.25 of the penal law, robbery in the third
22 degree as defined in section 160.05 of the penal law, robbery in the
23 second degree as defined in section 160.10 of the penal law, robbery in
24 the first degree as defined in section 160.15 of the penal law, unlawful
25 use of secret scientific material as defined in section 165.07 of the
26 penal law, criminal possession of stolen property in the fourth degree
27 as defined in section 165.45 of the penal law, criminal possession of
28 stolen property in the third degree as defined in section 165.50 of the
29 penal law, criminal possession of stolen property in the second degree
30 as defined by section 165.52 of the penal law, criminal possession of
31 stolen property in the first degree as defined by section 165.54 of the
32 penal law, trademark counterfeiting in the second degree as defined in
33 section 165.72 of the penal law, trademark counterfeiting in the first
34 degree as defined in section 165.73 of the penal law, forgery in the
35 second degree as defined in section 170.10 of the penal law, forgery in
36 the first degree as defined in section 170.15 of the penal law, criminal
37 possession of a forged instrument in the second degree as defined in
38 section 170.25 of the penal law, criminal possession of a forged instru-
39 ment in the first degree as defined in section 170.30 of the penal law,
40 criminal possession of forgery devices as defined in section 170.40 of
41 the penal law, falsifying business records in the first degree as
42 defined in section 175.10 of the penal law, tampering with public
43 records in the first degree as defined in section 175.25 of the penal
44 law, offering a false instrument for filing in the first degree as
45 defined in section 175.35 of the penal law, issuing a false certificate
46 as defined in section 175.40 of the penal law, criminal diversion of
47 prescription medications and prescriptions in the second degree as
48 defined in section 178.20 of the penal law, criminal diversion of
49 prescription medications and prescriptions in the first degree as
50 defined in section 178.25 of the penal law, residential mortgage fraud
51 in the fourth degree as defined in section 187.10 of the penal law,
52 residential mortgage fraud in the third degree as defined in section
53 187.15 of the penal law, residential mortgage fraud in the second degree
54 as defined in section 187.20 of the penal law, residential mortgage
55 fraud in the first degree as defined in section 187.25 of the penal law,
56 escape in the second degree as defined in section 205.10 of the penal

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

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

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

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

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

53 (i) The judgment is a conviction where the arresting charge was under
54 section 240.37 (loitering for the purpose of engaging in a prostitution
55 offense, provided that the defendant was not alleged to be loitering for
56 the purpose of patronizing a person for prostitution or promoting pros-

1 titution) or 230.00 (prostitution) or 230.03 (prostitution in a school
2 zone) of the penal law, and the defendant's participation in the offense
3 was a result of having been a victim of sex trafficking under section
4 230.34 of the penal law, sex trafficking of a child under section
5 230.34-a of the penal law, labor trafficking under section 135.35 of the
6 penal law, aggravated labor trafficking under section 135.37 of the
7 penal law, [~~compelling prostitution under section 230.33 of the penal~~
8 ~~law,~~] or trafficking in persons under the Trafficking Victims Protection
9 Act (United States Code, title 22, chapter 78); provided that

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

13 2. Under no circumstances shall the mandatory surcharge, sex offender
14 registration fee, DNA databank fee or the crime victim assistance fee be
15 waived provided, however, that a court may waive the crime victim
16 assistance fee if such defendant is an eligible youth as defined in
17 subdivision two of section 720.10 of this chapter, and the imposition of
18 such fee would work an unreasonable hardship on the defendant, his or
19 her immediate family, or any other person who is dependent on such
20 defendant for financial support. A court shall waive any mandatory
21 surcharge, DNA databank fee and crime victim assistance fee when: (i)
22 the defendant is convicted of loitering for the purpose of engaging in
23 prostitution under section 240.37 of the penal law (provided that the
24 defendant was not convicted of loitering for the purpose of patronizing
25 a person for prostitution); (ii) the defendant is convicted of prostitu-
26 tion under section 230.00 of the penal law; (iii) the defendant is
27 convicted of a violation in the event such conviction is in lieu of a
28 plea to or conviction for loitering for the purpose of engaging in pros-
29 titution under section 240.37 of the penal law (provided that the
30 defendant was not alleged to be loitering for the purpose of patronizing
31 a person for prostitution) or prostitution under section 230.00 of the
32 penal law; or (iv) the court finds that a defendant is a victim of sex
33 trafficking under section 230.34 of the penal law or a victim of traf-
34 ficking in persons under the trafficking victims protection act (United
35 States Code, Title 22, Chapter 78); or (v) the court finds that the
36 defendant is a victim of sex trafficking of a child under section
37 230.34-a of the penal law.

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

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

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

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

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

(d) reports alleging that the subject allowed a child to engage in acts or conduct described in article two hundred sixty-three of the 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. A class E driver's license shall be suspended by the commissioner for a period of one year where the holder is convicted of a violation of section 230.20, 230.25, 230.30, ~~[230.32,]~~ 230.34, 230.34-a or 230.40 of the penal law and the holder used a for hire motor vehicle to commit such crime.

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

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

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

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

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

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

§ 20. Subparagraph i of paragraph 7 of subdivision a of section 9-131 of the administrative code of the city of New York, as added by local law number 58 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;

§ 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,

1 135.25, 230.05, 230.06, or subdivision two of section 230.30 [~~ex~~
2 ~~230.32~~], notice of the time and place when and where the petition will
3 be presented shall be served, in like manner as a notice of a motion
4 upon an attorney in an action, upon the district attorney of every coun-
5 ty in which such person has been convicted of such felony and upon the
6 court or courts in which the sentence for such felony was entered.
7 Unless a shorter period of time is ordered by the court, said notice
8 shall be served upon each such district attorney and court or courts not
9 less than sixty days prior to the date on which such petition is noticed
10 to be heard.

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

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

33 § 25. Paragraph (iii) of subdivision (e) of section 1012 of the family
34 court act, as amended by section 1 of part L of chapter 56 of the laws
35 of 2017, is amended to read as follows:

36 (iii) (A) commits, or allows to be committed an offense against such
37 child defined in article one hundred thirty of the penal law; (B)
38 allows, permits or encourages such child to engage in any act described
39 in sections 230.25, 230.30 and [~~230.32~~] 230.34-a of the penal law; (C)
40 commits any of the acts described in sections 255.25, 255.26 and 255.27
41 of the penal law; (D) allows such child to engage in acts or conduct
42 described in article two hundred sixty-three of the penal law; or (E)
43 permits or encourages such child to engage in any act or commits or
44 allows to be committed against such child any offense that would render
45 such child either a victim of sex trafficking or a victim of severe
46 forms of trafficking in persons pursuant to 22 U.S.C. 7102 as enacted by
47 public law 106-386 or any successor federal statute; (F) provided,
48 however, that (1) the corroboration requirements contained in the penal
49 law and (2) the age requirement for the application of article two
50 hundred sixty-three of such law shall not apply to proceedings under
51 this article.

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

55 (f) "Designated felony" means any felony offense defined by any of the
56 following provisions of the penal law: 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.

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

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

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

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

§ 29. Subdivision 5 of section 621 of the executive law, as amended by section 1 of part H of chapter 55 of the laws of 2017, is amended to read as follows:

5. "Victim" shall mean (a) a person who suffers personal physical injury as a direct result of a crime; (b) a person who is the victim of either the crime of (1) unlawful imprisonment in the first degree as

1 defined in section 135.10 of the penal law, (2) kidnapping in the second
2 degree as defined in section 135.20 of the penal law, (3) kidnapping in
3 the first degree as defined in section 135.25 of the penal law, (4)
4 menacing in the first degree as defined in section 120.13 of the penal
5 law, (5) criminal obstruction of breathing or blood circulation as
6 defined in section 121.11 of the penal law, (6) harassment in the second
7 degree as defined in section 240.26 of the penal law, (7) harassment in
8 the first degree as defined in section 240.25 of the penal law, (8)
9 aggravated harassment in the second degree as defined in subdivision
10 three or five of section 240.30 of the penal law, (9) aggravated harass-
11 ment in the first degree as defined in subdivision two of section 240.31
12 of the penal law, (10) criminal contempt in the first degree as defined
13 in subdivision (b) or subdivision (c) of section 215.51 of the penal
14 law, (11) stalking in the fourth, third, second or first degree as
15 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,
16 (12) labor trafficking as defined in section 135.35 of the penal law,
17 ~~[ex]~~ (13) sex trafficking as defined in section 230.34 of the penal law;
18 or (14) sex trafficking of a child as defined in section 230.34-a of the
19 penal law; a vulnerable elderly person or an incompetent or physically
20 disabled person as defined in section 260.31 of the penal law who incurs
21 a loss of savings as defined in subdivision twenty-four of this section;
22 or a person who has had a frivolous lawsuit filed against them.

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

26 1. No award shall be made unless the office finds that (a) a crime was
27 committed, (b) such crime directly resulted in personal physical injury
28 to or the exacerbation of a preexisting disability, or condition, or
29 death of, the victim, and (c) criminal justice agency records show that
30 such crime was promptly reported to the proper authorities; and in no
31 case may an award be made where the criminal justice agency records show
32 that such report was made more than one week after the occurrence of
33 such crime unless the office, for good cause shown, finds the delay to
34 have been justified; provided, however, in cases involving an alleged
35 sex offense as contained in article one hundred thirty of the penal law
36 or incest as defined in section 255.25, 255.26 or 255.27 of the penal
37 law or labor trafficking as defined in section 135.35 of the penal law
38 or sex trafficking as defined in ~~[section]~~ sections 230.34 and 230.34-a
39 of the penal law or an offense chargeable as a family offense as
40 described in section eight hundred twelve of the family court act or
41 section 530.11 of the criminal procedure law, the criminal justice agen-
42 cy report need only be made within a reasonable time considering all the
43 circumstances, including the victim's physical, emotional and mental
44 condition and family situation. For the purposes of this subdivision,
45 "criminal justice agency" shall include, but not be limited to, a police
46 department, a district attorney's office, and any other governmental
47 agency having responsibility for the enforcement of the criminal laws of
48 the state provided, however, that in cases involving such sex offense a
49 criminal justice agency shall also mean a family court, a governmental
50 agency responsible for child and/or adult protective services pursuant
51 to title six of article six of the social services law and/or title one
52 of article nine-B of the social services law, and any medical facility
53 established under the laws of the state that provides a forensic phys-
54 ical 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 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 been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; and (iv) a conviction for which other evidence of successful rehabilitation to remove the disability has been issued.

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

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

§ 33. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if section 1 of part H of chapter 55 of the laws of 2017 shall not have taken effect on or before such date then section twenty-nine of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2017, takes effect.