

STATE OF NEW YORK

5988--A

2017-2018 Regular Sessions

IN SENATE

May 9, 2017

Introduced by Sens. LANZA, HAMILTON, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to 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 family court act, the mental hygiene law, the public health law, the executive law, and the general business law, in relation to making technical corrections concerning sex trafficking of a child and promoting prostitution; and to repeal certain provisions of the penal law relating thereto

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

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

3 § 230.34-a Sex trafficking of a child.

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

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

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

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

Sex trafficking of a child is a class B felony.

§ 2. Section 230.33 of the penal law is REPEALED.

§ 3. 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.

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

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating

1 to criminal diversion of prescription medications and prescriptions;
2 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
3 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,
4 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25
5 relating to residential mortgage fraud, sections 190.40 and 190.42
6 relating to criminal usury; section 190.65 relating to schemes to
7 defraud; any felony defined in article four hundred ninety-six; sections
8 205.60 and 205.65 relating to hindering prosecution; sections 210.10,
9 210.15, and 215.51 relating to perjury and contempt; section 215.40
10 relating to tampering with physical evidence; sections 220.06, 220.09,
11 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46,
12 220.55, 220.60, 220.65 and 220.77 relating to controlled substances;
13 sections 225.10 and 225.20 relating to gambling; sections 230.25,
14 230.30, and 230.32 relating to promoting prostitution; section 230.34
15 relating to sex trafficking; section 230.34-a relating to sex traffick-
16 ing of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to
17 obscenity; sections 263.10 and 263.15 relating to promoting a sexual
18 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,
19 265.13 and the provisions of section 265.10 which constitute a felony
20 relating to firearms and other dangerous weapons; sections 265.14 and
21 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,
22 275.30, or 275.40 relating to unauthorized recordings; and sections
23 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or
24 § 5. Subdivision 2 of section 130.91 of the penal law, as amended by
25 chapter 405 of the laws of 2010, is amended to read as follows:
26 2. A "specified offense" is a felony offense defined by any of the
27 following provisions of this chapter: assault in the second degree as
28 defined in section 120.05, assault in the first degree as defined in
29 section 120.10, gang assault in the second degree as defined in section
30 120.06, gang assault in the first degree as defined in section 120.07,
31 stalking in the first degree as defined in section 120.60, strangulation
32 in the second degree as defined in section 121.12, strangulation in the
33 first degree as defined in section 121.13, manslaughter in the second
34 degree as defined in subdivision one of section 125.15, manslaughter in
35 the first degree as defined in section 125.20, murder in the second
36 degree as defined in section 125.25, aggravated murder as defined in
37 section 125.26, murder in the first degree as defined in section 125.27,
38 kidnapping in the second degree as defined in section 135.20, kidnapping
39 in the first degree as defined in section 135.25, burglary in the third
40 degree as defined in section 140.20, burglary in the second degree as
41 defined in section 140.25, burglary in the first degree as defined in
42 section 140.30, arson in the second degree as defined in section 150.15,
43 arson in the first degree as defined in section 150.20, robbery in the
44 third degree as defined in section 160.05, robbery in the second degree
45 as defined in section 160.10, robbery in the first degree as defined in
46 section 160.15, promoting prostitution in the second degree as defined
47 in section 230.30, promoting prostitution in the first degree as defined
48 in section 230.32, [~~compelling prostitution as defined in section~~
49 ~~230.33,~~] sex trafficking of a child as defined in section 230.34-a,
50 disseminating indecent material to minors in the first degree as defined
51 in section 235.22, use of a child in a sexual performance as defined in
52 section 263.05, promoting an obscene sexual performance by a child as
53 defined in section 263.10, promoting a sexual performance by a child as
54 defined in section 263.15, or any felony attempt or conspiracy to commit
55 any of the foregoing offenses.

§ 6. 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-ex]~~ 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.

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

§ 230.01 Prostitution; affirmative defense.

In any prosecution under section 230.00, section 230.03 or subdivision two of section 240.37 of this part, it is an affirmative defense that the defendant's participation in the offense was a result of having been ~~[a victim of compelling prostitution under section 230.33,]~~ a victim of sex trafficking under section 230.34 of this article, a victim of sex trafficking of a child under section 230.34-a of this article or a victim of trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78).

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

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

§ 9. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as

1 defined in section 125.15 of the penal law, manslaughter in the first
2 degree as defined in section 125.20 of the penal law, murder in the
3 second degree as defined in section 125.25 of the penal law, murder in
4 the first degree as defined in section 125.27 of the penal law, abortion
5 in the second degree as defined in section 125.40 of the penal law,
6 abortion in the first degree as defined in section 125.45 of the penal
7 law, rape in the third degree as defined in section 130.25 of the penal
8 law, rape in the second degree as defined in section 130.30 of the penal
9 law, rape in the first degree as defined in section 130.35 of the penal
10 law, criminal sexual act in the third degree as defined in section
11 130.40 of the penal law, criminal sexual act in the second degree as
12 defined in section 130.45 of the penal law, criminal sexual act in the
13 first degree as defined in section 130.50 of the penal law, sexual abuse
14 in the first degree as defined in section 130.65 of the penal law,
15 unlawful imprisonment in the first degree as defined in section 135.10
16 of the penal law, kidnapping in the second degree as defined in section
17 135.20 of the penal law, kidnapping in the first degree as defined in
18 section 135.25 of the penal law, labor trafficking as defined in section
19 135.35 of the penal law, aggravated labor trafficking as defined in
20 section 135.37 of the penal law, custodial interference in the first
21 degree as defined in section 135.50 of the penal law, coercion in the
22 first degree as defined in section 135.65 of the penal law, criminal
23 trespass in the first degree as defined in section 140.17 of the penal
24 law, burglary in the third degree as defined in section 140.20 of the
25 penal law, burglary in the second degree as defined in section 140.25 of
26 the penal law, burglary in the first degree as defined in section 140.30
27 of the penal law, criminal mischief in the third degree as defined in
28 section 145.05 of the penal law, criminal mischief in the second degree
29 as defined in section 145.10 of the penal law, criminal mischief in the
30 first degree as defined in section 145.12 of the penal law, criminal
31 tampering in the first degree as defined in section 145.20 of the penal
32 law, arson in the fourth degree as defined in section 150.05 of the
33 penal law, arson in the third degree as defined in section 150.10 of the
34 penal law, arson in the second degree as defined in section 150.15 of
35 the penal law, arson in the first degree as defined in section 150.20 of
36 the penal law, grand larceny in the fourth degree as defined in section
37 155.30 of the penal law, grand larceny in the third degree as defined in
38 section 155.35 of the penal law, grand larceny in the second degree as
39 defined in section 155.40 of the penal law, grand larceny in the first
40 degree as defined in section 155.42 of the penal law, health care fraud
41 in the fourth degree as defined in section 177.10 of the penal law,
42 health care fraud in the third degree as defined in section 177.15 of
43 the penal law, health care fraud in the second degree as defined in
44 section 177.20 of the penal law, health care fraud in the first degree
45 as defined in section 177.25 of the penal law, robbery in the third
46 degree as defined in section 160.05 of the penal law, robbery in the
47 second degree as defined in section 160.10 of the penal law, robbery in
48 the first degree as defined in section 160.15 of the penal law, unlawful
49 use of secret scientific material as defined in section 165.07 of the
50 penal law, criminal possession of stolen property in the fourth degree
51 as defined in section 165.45 of the penal law, criminal possession of
52 stolen property in the third degree as defined in section 165.50 of the
53 penal law, criminal possession of stolen property in the second degree
54 as defined by section 165.52 of the penal law, criminal possession of
55 stolen property in the first degree as defined by section 165.54 of the
56 penal law, trademark counterfeiting in the second degree as defined in

1 section 165.72 of the penal law, trademark counterfeiting in the first
2 degree as defined in section 165.73 of the penal law, forgery in the
3 second degree as defined in section 170.10 of the penal law, forgery in
4 the first degree as defined in section 170.15 of the penal law, criminal
5 possession of a forged instrument in the second degree as defined in
6 section 170.25 of the penal law, criminal possession of a forged instru-
7 ment in the first degree as defined in section 170.30 of the penal law,
8 criminal possession of forgery devices as defined in section 170.40 of
9 the penal law, falsifying business records in the first degree as
10 defined in section 175.10 of the penal law, tampering with public
11 records in the first degree as defined in section 175.25 of the penal
12 law, offering a false instrument for filing in the first degree as
13 defined in section 175.35 of the penal law, issuing a false certificate
14 as defined in section 175.40 of the penal law, criminal diversion of
15 prescription medications and prescriptions in the second degree as
16 defined in section 178.20 of the penal law, criminal diversion of
17 prescription medications and prescriptions in the first degree as
18 defined in section 178.25 of the penal law, residential mortgage fraud
19 in the fourth degree as defined in section 187.10 of the penal law,
20 residential mortgage fraud in the third degree as defined in section
21 187.15 of the penal law, residential mortgage fraud in the second degree
22 as defined in section 187.20 of the penal law, residential mortgage
23 fraud in the first degree as defined in section 187.25 of the penal law,
24 escape in the second degree as defined in section 205.10 of the penal
25 law, escape in the first degree as defined in section 205.15 of the
26 penal law, absconding from temporary release in the first degree as
27 defined in section 205.17 of the penal law, promoting prison contraband
28 in the first degree as defined in section 205.25 of the penal law,
29 hindering prosecution in the second degree as defined in section 205.60
30 of the penal law, hindering prosecution in the first degree as defined
31 in section 205.65 of the penal law, sex trafficking as defined in
32 section 230.34 of the penal law, sex trafficking of a child as defined
33 in section 230.34-a of the penal law, criminal possession of a weapon in
34 the third degree as defined in subdivisions two, three and five of
35 section 265.02 of the penal law, criminal possession of a weapon in the
36 second degree as defined in section 265.03 of the penal law, criminal
37 possession of a weapon in the first degree as defined in section 265.04
38 of the penal law, manufacture, transport, disposition and defacement of
39 weapons and dangerous instruments and appliances defined as felonies in
40 subdivisions one, two, and three of section 265.10 of the penal law,
41 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
42 of weapons as defined in subdivision two of section 265.35 of the penal
43 law, relating to firearms and other dangerous weapons, or failure to
44 disclose the origin of a recording in the first degree as defined in
45 section 275.40 of the penal law;

46 § 10. Paragraph (i) of subdivision 1 of section 440.10 of the criminal
47 procedure law, as amended by chapter 368 of the laws of 2015, is amended
48 to read as follows:

49 (i) The judgment is a conviction where the arresting charge was under
50 section 240.37 (loitering for the purpose of engaging in a prostitution
51 offense, provided that the defendant was not alleged to be loitering for
52 the purpose of patronizing a person for prostitution or promoting pros-
53 titution) or 230.00 (prostitution) or 230.03 (prostitution in a school
54 zone) of the penal law, and the defendant's participation in the offense
55 was a result of having been a victim of sex trafficking under section
56 230.34 of the penal law, sex trafficking of a child under section

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

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

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

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

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

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

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

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

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

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

50 (c) An individual who is a victim of the conduct prohibited by section
51 [~~230.33,~~] 230.34, 230.34-a, 135.35 or 135.37 of the penal law may bring
52 a civil action against the perpetrator or whoever knowingly advances or
53 profits from, or whoever should have known he or she was advancing or
54 profiting from, an act in violation of section [~~230.33,~~] 230.34,
55 230.34-a, 135.35 or 135.37 of the penal law to recover damages and
56 reasonable attorney's fees.

§ 14. 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.

§ 15. 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.

§ 16. 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.

§ 17. 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

1 law number 58 of the city of New York for the year 2014, is amended to
2 read as follows:

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

4 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,
5 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,
6 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,
7 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,
8 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,
9 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,
10 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),
11 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,
12 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,
13 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,
14 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,
15 230.32, [~~230.33,~~] 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,
16 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,
17 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,
18 265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10,
19 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2),
20 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23,
21 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40,
22 490.45, 490.47, 490.50, or 490.55;

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

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

28 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,
29 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,
30 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,
31 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,
32 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,
33 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,
34 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),
35 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,
36 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,
37 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,
38 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,
39 230.32, [~~230.33,~~] 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,
40 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,
41 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,
42 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09,
43 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19,
44 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22,
45 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37,
46 490.40, 490.45, 490.47, 490.50, or 490.55;

47 § 19. Paragraph (iii) of subdivision (e) of section 1012 of the family
48 court act, as amended by section 1 of part L of chapter 56 of the laws
49 of 2017, is amended to read as follows:

50 (iii) (A) commits, or allows to be committed an offense against such
51 child defined in article one hundred thirty of the penal law; (B)
52 allows, permits or encourages such child to engage in any act described
53 in sections 230.25, 230.30 [~~and~~], 230.32 and 230.34-a of the penal law;
54 (C) commits any of the acts described in sections 255.25, 255.26 and
55 255.27 of the penal law; (D) allows such child to engage in acts or
56 conduct described in article two hundred sixty-three of the penal law;

1 or (E) permits or encourages such child to engage in any act or commits
2 or allows to be committed against such child any offense that would
3 render such child either a victim of sex trafficking or a victim of
4 severe forms of trafficking in persons pursuant to 22 U.S.C. 7102 as
5 enacted by public law 106-386 or any successor federal statute; (F)
6 provided, however, that (1) the corroboration requirements contained in
7 the penal law and (2) the age requirement for the application of article
8 two hundred sixty-three of such law shall not apply to proceedings under
9 this article.

10 § 20. Subdivision (f) of section 10.03 of the mental hygiene law, as
11 amended by chapter 405 of the laws of 2010, is amended to read as
12 follows:

13 (f) "Designated felony" means any felony offense defined by any of the
14 following provisions of the penal law: assault in the second degree as
15 defined in section 120.05, assault in the first degree as defined in
16 section 120.10, gang assault in the second degree as defined in section
17 120.06, gang assault in the first degree as defined in section 120.07,
18 stalking in the first degree as defined in section 120.60, strangulation
19 in the second degree as defined in section 121.12, strangulation in the
20 first degree as defined in section 121.13, manslaughter in the second
21 degree as defined in subdivision one of section 125.15, manslaughter in
22 the first degree as defined in section 125.20, murder in the second
23 degree as defined in section 125.25, aggravated murder as defined in
24 section 125.26, murder in the first degree as defined in section 125.27,
25 kidnapping in the second degree as defined in section 135.20, kidnapping
26 in the first degree as defined in section 135.25, burglary in the third
27 degree as defined in section 140.20, burglary in the second degree as
28 defined in section 140.25, burglary in the first degree as defined in
29 section 140.30, arson in the second degree as defined in section 150.15,
30 arson in the first degree as defined in section 150.20, robbery in the
31 third degree as defined in section 160.05, robbery in the second degree
32 as defined in section 160.10, robbery in the first degree as defined in
33 section 160.15, promoting prostitution in the second degree as defined
34 in section 230.30, promoting prostitution in the first degree as defined
35 in section 230.32, ~~[compelling prostitution as defined in section~~
36 ~~230.33,~~ sex trafficking of a child as defined in section 230.34-a,
37 disseminating indecent material to minors in the first degree as defined
38 in section 235.22, use of a child in a sexual performance as defined in
39 section 263.05, promoting an obscene sexual performance by a child as
40 defined in section 263.10, promoting a sexual performance by a child as
41 defined in section 263.15, or any felony attempt or conspiracy to commit
42 any of the foregoing offenses.

43 § 21. Section 2324-a of the public health law, as amended by chapter
44 368 of the laws of 2015, is amended to read as follows:

45 § 2324-a. Presumptive evidence. For the purposes of this title, two or
46 more convictions of any person or persons had, within a period of one
47 year, for any of the offenses described in section 230.00, 230.05,
48 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30 ~~[or],~~
49 230.32 or 230.34-a of the penal law arising out of conduct engaged in at
50 the same real property consisting of a dwelling as that term is defined
51 in subdivision four of section four of the multiple dwelling law shall
52 be presumptive evidence of conduct constituting use of the premises for
53 purposes of prostitution.

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

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

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

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

1 established under the laws of the state that provides a forensic phys-
2 ical examination for victims of rape and sexual assault.

3 § 24. Paragraph f of subdivision 1 of section 410 of the general busi-
4 ness law, as amended by chapter 80 of the laws of 2015, is amended to
5 read as follows:

6 f. Conviction of any of the following crimes subsequent to the issu-
7 ance of a license or registration pursuant to this article: fraud pursu-
8 ant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and
9 190.65; falsifying business records pursuant to section 175.10; grand
10 larceny pursuant to article 155; bribery pursuant to sections 180.03,
11 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12,
12 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40;
13 assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery
14 pursuant to article 160; homicide pursuant to sections 125.25 and
15 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping
16 and unlawful imprisonment pursuant to sections 135.10, 135.20 and
17 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03
18 and 265.04; criminal use of a weapon pursuant to sections 265.08 and
19 265.09; criminal sale of a weapon pursuant to sections 265.11 and
20 265.12; ~~[compelling prostitution pursuant to section 230.33,]~~ sex traf-
21 ficking pursuant to section 230.34; sex trafficking of a child pursuant
22 to section 230.34-a; and sex offenses pursuant to article 130 of the
23 penal law. Provided, however, that for the purposes of this article,
24 none of the following shall be considered criminal convictions or
25 reported as such: (i) a conviction for which an executive pardon has
26 been issued pursuant to the executive law; (ii) a conviction which has
27 been vacated and replaced by a youthful offender finding pursuant to
28 article seven hundred twenty of the criminal procedure law, or the
29 applicable provisions of law of any other jurisdiction; or (iii) a
30 conviction the records of which have been expunged or sealed pursuant to
31 the applicable provisions of the laws of this state or of any other
32 jurisdiction; and (iv) a conviction for which other evidence of success-
33 ful rehabilitation to remove the disability has been issued.

34 § 25. This act shall take effect on the ninetieth day after it shall
35 have become a law.