STATE OF NEW YORK

6040--A

2021-2022 Regular Sessions

IN SENATE

March 31, 2021

Introduced by Sens. KRUEGER, BRESLIN, SAVINO -- 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 certain prostitution offenses and fines relating thereto; to amend the criminal procedure law, in relation to motions to vacate judgment and motions for new sentencing; to amend the education law, in relation to investigation into acts alleged to be the unauthorized practice of massage therapy by potential victims of human trafficking; to amend the civil practice law and rules, the criminal procedure law and the executive law, in relation to prohibiting possession of reproductive or sexual health devices from being permitted in specified criminal or civil proceedings as evidence of prostitution; to amend the executive law, in relation to the maximum age at which a homeless youth can continue to receive shelter services; to amend the executive law, in relation to human trafficking and sexual exploitation awareness; to amend the county law, in relation to duties of the sheriff; to amend the town law, in relation to the duties of police officers and constables; to amend the social services law, in relation to services for exploited individuals, services for victims of human trafficking and the interagency task force on human trafficking; to amend the state finance law, in relation to establishing the victims of sexual exploitation fund; to amend the administrative code of the city of New York, the criminal procedure law, the family court act, the multiple dwelling law, the public health law, the real property law, the real property actions and proceedings law and the vehicle and traffic law, in relation to making conforming changes; and to repeal section 230.00 of the penal law relating to prostitution, section 230.03 of the penal law relating to prostitution in a school zone, section 230.07 relating to a defense against patronizing a person for prostitution, and subdivision 4 of section 170.30 of the criminal procedure law relating to a

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

LBD08899-08-2

motion to dismiss information, simplified information, prosecutor's information or misdemeanor complaint

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

Section 1. This act shall be known and may be cited as the "sex trade survivors justice and equality act".

§ 2. Section 230.01 of the penal law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

§ 230.01 Prostitution; affirmative defense.

In any prosecution under [~~section 230.00, section 230.03,~~] section 230.19, section 230.20, subdivision [~~2~~] two of section 230.25, subdivision [~~2~~] two of section 230.30 or section 230.34-a of this article, 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 of this article, 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).

§ 3. Section 230.02 of the penal law, as amended by chapter 627 of laws of 1978, the section heading and subdivision 1 as amended by chapter 368 of the laws of 2015, is amended to read as follows:

§ 230.02 Patronizing a person for prostitution; definitions.

1. A person patronizes a person for prostitution when:

(a) Pursuant to a prior understanding, he or she pays a fee, or anything of value, to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(b) He or she pays or agrees to pay a fee, or anything of value, to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him or her; or

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee, or anything of value.

2. As used in this article[~~,~~]:

(a) "person who is patronized" means the person with whom the defendant engaged in sexual conduct or was to have engaged in sexual conduct pursuant to the understanding, or the person who was solicited or requested by the defendant to engage in sexual conduct;

(b) "prostitution" means the act of engaging in or agreeing to engage in sexual conduct with another person in return for a fee or anything of value that is given or received by a person.

§ 4. Section 230.15 of the penal law, subdivisions 1 and 2 as amended by chapter 368 of the laws of 2015, is amended to read as follows:

§ 230.15 Promoting prostitution; definitions of terms.

The following definitions are applicable to this article:

1. "Advance prostitution." A person "advances prostitution" when, acting other than as a person in prostitution [~~or as a patron thereof~~], he or she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

2. "Profit from prostitution." A person "profits from prostitution" when, acting other than as a person in prostitution receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.

3. "Prostitution." "Prostitution" means the act of engaging in or agreeing to engage in sexual conduct with another person in return for a fee or anything of value that is given or received by a person.

§ 5. Section 230.19 of the penal law, as added by chapter 191 of the laws of 2011, subdivision 1 as amended by chapter 368 of the laws of 2015, is amended to read as follows:

§ 230.19 Promoting prostitution in a school zone.

1. A person is guilty of promoting prostitution in a school zone when, being nineteen years old or more, he or she knowingly advances or profits from prostitution that he or she knows or reasonably should know is or will be committed [~~in violation of section 230.03 of this article~~] in a school zone during the hours that school is in session.

2. For purposes of this section, "school zone" [~~shall mean "school zone" as defined in subdivision two of section 230.03 of this article~~] **means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any public sidewalk, street, parking lot, park, playground or private land, located immediately adjacent to the boundary line of such school**.

Promoting prostitution in a school zone is a class E felony.

§ 6. Section 230.35 of the penal law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

§ 230.35 Promoting or compelling prostitution; accomplice.

In a prosecution for promoting prostitution or compelling prostitution, a person [~~less than eighteen years old~~] from whose prostitution activity another person is alleged to have advanced or attempted to advance or profited or attempted to profit shall not be deemed to be an accomplice.

§ 7. Subdivision 1 of section 80.05 of the penal law, as amended by chapter 669 of the laws of 1984, is amended to read as follows:

1. Class A misdemeanor. A sentence to pay a fine for a class A misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding one thousand dollars, provided, however, that a sentence imposed for a violation of section 215.80 of this chapter may include a fine in an amount equivalent to double the value of the property unlawfully disposed of in the commission of the crime**; provided however that no sentence imposed by this section shall be imposed on any individual sentenced under subdivision one of section 80.20 of this article**.

§ 8. The penal law is amended by adding a new section 80.20 to read as follows:

§ 80.20 Imposition of fines in relation to certain violations of article 230.

1. A person whose violation of section 230.04 of this chapter results in a judicial disposition other than acquittal, adjournment in contemplation of dismissal or dismissal shall be required to pay a fine, as fixed by the court based on the defendant's "net taxable income," as defined in subdivision four of this section, which shall be determined by the completion of a compulsory financial disclosure at the time of sentencing. The fine shall be distributed to the victims of sexual

exploitation fund established by section ninety-seven-bbbb of the state finance law. Notwithstanding any other provision of law, the penalty imposed under this section shall be a substitute for any fines imposed under subdivision one of section 80.05 of this article.

2. After the completion of a compulsory financial disclosure, if it is determined that a defendant is in a financial position to pay a fine, such defendant shall pay a fine calculated as provided in this subdivision. Except for individuals who are determined to be unable to pay a fine, the schedule of fines shall be as follows:

Amount of net taxable income:	Schedule of Fines:
(a) Less than thirty thousand dollars	Fifty dollars
(b) Thirty thousand dollars or more, but less than fifty thousand dollars	One hundred dollars
(c) Fifty thousand dollars or more, but less than seventy-five thousand dollars	Two hundred dollars
(d) Seventy-five thousand dollars or more, but less than one hundred thousand dollars	Three hundred dollars
(e) One hundred thousand dollars or more, but less than one hundred fifty thousand dollars	Five hundred dollars
(f) One hundred fifty thousand dollars or more, but less than two hundred thousand dollars	Seven hundred dollars
(g) Greater than two hundred thousand dollars	One thousand dollars

3. Notwithstanding any other provision of law, a person whose violation of any offense enumerated under section 230.05, 230.06, 230.19, 230.20, 230.25, 230.30, 230.32, 230.33, 230.34, or 230.34-a of this chapter that results in a judicial disposition other than acquittal, adjournment in contemplation of dismissal or dismissal shall pay a fine the sum of which will be calculated at the time of sentencing, on a sliding scale, based on their net taxable income, which shall be determined by the completion of a compulsory financial disclosure. If it is determined that such defendant is in a financial position to pay a prescribed fine, such defendant shall pay a fine in one of the following amounts to the court, to be distributed to the victims of sexual exploitation fund established by section ninety-seven-bbbb of the state finance law.

(a) A person convicted of a first offense shall pay a fine of not less than one thousand dollars and not more than the maximum amount applicable under section 80.00 of this article.

(b) A person convicted of a second offense shall pay a fine of not less than five thousand dollars nor more than twenty-five thousand dollars.

(c) A person convicted of a third or subsequent offense shall pay a fine of not less than ten thousand dollars nor more than fifty thousand dollars.

4. (a) If the defendant is assessed a fine or fee by the court but can prove they will have financial difficulty paying the amount in one lump sum an installment payment plan may be provided as described in this subdivision. Any such installment payment plan shall include all fines, fees and mandatory surcharges and shall consist of monthly payments that

do not exceed two percent of such person's monthly net taxable income or ten dollars per month, whichever is greater. For the purpose of this subdivision, the term "net taxable income" means a person's total income from all sources and assets, minus deductions required by law including but not limited to administrative or court-ordered garnishments and support payments. A court or hearing officer may require the submission of a financial disclosure report from all persons who opt to enter into installment payment plans. A court or hearing officer also may accept payments higher than the set amount, but may not undertake additional collection activity so long as the person meets his or her obligations under the installment payment plan. A court or hearing officer may require a person entering installment payment plans to appear periodically before such court or hearing officer, but no more frequently than annually, to assess his or her financial circumstances, and may set a new payment amount if such person's financial circumstances have changed. A person who enters into an installment payment plan and experiences a reduction in net taxable income may petition the court or hearing officer at any time to seek a reduction in the monthly payment.

(b) The court or hearing officer shall have the discretion in the interests of justice to reduce or waive the amount of any fine, fee or mandatory surcharge assessed for a violation of any of the provisions of this chapter.

5. Fines collected under this article shall be deposited into the victims of sexual exploitation fund created by section ninety-seven-bbb of the state finance law and distributed in the following manner:

(a) subject to the availability of funds, fifty percent shall be distributed by the office of victim services to make grants to victims of sexual exploitation fund created by section ninety-seven-bbbb of the state finance law. Subject to the availability of funds, the office of victim services shall make grants to victims of sexual exploitation and sex trafficking who do not otherwise qualify for funds from the crime victims compensation fund. Such available funds may be used to remedy personal injury, loss of essential personal property, medical and counseling services, lost wages, savings, or lost support, transportation, occupational/vocational rehabilitation, use of shelters by victims and their children, housing and moving expenses and other costs and/or expenses as the task force deems appropriate.

(b) the remaining fifty percent of such funds shall be allocated to various jurisdictions and localities as the interagency task force on human trafficking deems appropriate in order to:

(1) develop, expand or strengthen programs for victims of human trafficking and sexual exploitation, including:

(i) health services, including mental health services;

(ii) temporary and permanent housing placement;

(iii) legal and immigration services;

(iv) employment placement, education and training; and

(v) safe harbour programs for sexually exploited children;

(2) ensure prevention of human trafficking and sexual exploitation, including increasing public awareness; and/or

(3) ensure protection of victims of human trafficking and sexual exploitation, including training of first responders.

§ 9. Section 230.00 of the penal law is REPEALED.

§ 10. Section 230.03 of the penal law is REPEALED.

§ 11. Section 230.07 of the penal law is REPEALED.

§ 12. Section 1.20 of the criminal procedure law is amended by adding a new subdivision 46 to read as follows:

46. "Vacatur" of convictions under paragraph (i) of subdivision one of section 440.10 of this chapter means, to dismiss the judgment, to dismiss the accusatory instrument, and mark all records as vacated based on the merits. The court shall make a copy of all official records and papers available to the defendant.

§ 13. The criminal procedure law is amended by adding a new section 440.46-b to read as follows:

§ 440.46-b Motion for resentence; persons convicted of certain prostitution offenses.

1. When a person has been convicted, whether by trial verdict or guilty plea, under former section 230.00, 230.03 or 240.37 of the penal law, then the chief administrative judge of the state of New York shall, in accordance with this section, automatically vacate, dismiss and expunge such conviction in accordance with section 160.50 of this chapter, and the office of court administration shall immediately notify the state division of criminal justice services, state department of corrections and community supervision and the appropriate local correctional facility which shall immediately effectuate the appropriate relief. Such notification to the division of criminal justice services shall also direct that such agency notify all relevant police and law enforcement agencies of their duty to destroy and/or mark records related to such case in accordance with section 160.50 of this chapter. Nothing in this section shall prevent a person who believes his or her sentence is required by this section to be vacated, dismissed and/or expunged from filing a petition with the court to effectuate all appropriate relief.

2. (a) When a person has been convicted in this state, whether by trial verdict or guilty plea, under former section 230.00, 230.03 or 240.37 of the penal law, then such person may petition the court of conviction pursuant to this article for vacatur of such conviction.

(b) Upon receiving a served and filed motion under paragraph (a) of this subdivision, the court shall presume the movant satisfies the criteria in such paragraph (a) and shall grant the motion to vacate such conviction unless the party opposing the motion proves, by clear and convincing evidence, that the movant does not satisfy the criteria. If the movant satisfies the criteria, the court shall grant the motion to vacate the conviction if: (i) the conviction was by plea of guilty, on grounds that such plea was not knowing, voluntary and intelligent owing to ongoing consequences; and (ii) the conviction was by verdict or otherwise, on grounds that such conviction and sentence constitutes cruel and unusual punishment under the state constitution owing to such ongoing consequences; and may, if the petition meets the criteria in subparagraph (i) of this paragraph, after affording the parties an opportunity to be heard and present evidence, substitute, unless it is not in the interests of justice to do so, a conviction for an appropriate lesser offense under article two hundred thirty of the penal law.

(c) In the event of any vacatur pursuant to this subdivision, the office of court administration shall immediately notify the state division of criminal justice services concerning such determination. Such notification to the division of criminal justice services shall also direct that such agency notify all relevant police and law enforcement agencies of their duty to destroy and/or mark records related to such case in accordance with section 160.50 of this chapter, and update such agencies' records accordingly.

3. The chief administrator of the courts shall promulgate all necessary rules and make available all necessary forms to enable the filing of the petitions and applications provided in this section no later than sixty days following the effective date of this section. All sentences eligible for automatic vacatur, dismissal and expungement pursuant to subdivision one of this section shall be identified and the required entities notified within one year of the effective date of this section.

§ 14. Section 6512 of the education law is amended by adding a new subdivision 3 to read as follows:

3. If the department conducts an investigation into acts alleged to be the unauthorized practice of massage therapy under article one hundred fifty-five of this chapter, the department shall consider whether or not the individual who allegedly committed the acts did so as a result of having been a victim of compelling prostitution under section 230.33, of sex trafficking under section 230.34 or of sex trafficking of a child under section 230.34-a of the penal law. In the event that the department suspects that such individual has been the victim of one or more such offenses, the department shall make an immediate referral of the matter to local service providers, as defined by the Safe Harbour For Exploited Children Act or by the office of children and family services. If the department subsequently reports the matter to the attorney general with a request for prosecution, the department shall inform the attorney general of such suspicions and referral.

§ 15. The civil practice law and rules is amended by adding a new section 4519-b to read as follows:

§ 4519-b. Possession of reproductive or sexual health devices; receipt into evidence. 1. Evidence that a person was in possession of a condom or other reproductive or sexual health device may not be received in evidence in any trial, hearing or proceeding in relation to any allegation of a misdemeanor offense pursuant to subdivision one of section twelve and article ten of the multiple dwelling law, sections twelve-a and twenty-three hundred twenty of the public health law, section two hundred thirty-one of the real property law or subdivision five of section seven hundred eleven and section seven hundred fifteen of the real property actions and proceedings law, or by any law, local law or ordinance of a municipality or political subdivision of the state, or any word, rule, or regulation of any governmental instrumentality authorized by law to adopt the same as evidence of conduct which would constitute an offense defined in article two hundred thirty of the penal law.

2. "Reproductive or sexual health device" shall include, but shall not be limited to, any contraceptive or other tool used to prevent unwanted pregnancy or the transmission of HIV or other sexually transmitted diseases, including but not limited to male condoms, female condoms, lubricants, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), HIV anti-retroviral medication, spermicide, hormonal methods, emergency contraception, diaphragm, cervical cap, or sponge.

§ 16. Section 60.47 of the criminal procedure law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

§ 60.47 Possession of condoms or other reproductive or sexual health device; receipt into evidence for allegations of misdemeanor offenses.

1. Evidence that a person was in possession of one or more condoms or other reproductive or sexual health device may not be admitted at any trial, hearing, or other proceeding in a prosecution for [~~section 230.00~~] any misdemeanor offense, or an attempt to commit any misdemeanor

offense, defined in article two hundred thirty of the penal law, or section sixty-five hundred twelve of the education law, or any law, local law or ordinance of a municipality or political subdivision of state, or any word, rule or regulation of any governmental instrumentality authorized by law to adopt the same, for the purpose of establishing probable cause for an arrest or proving any person's commission or attempted commission of such offense.

2. "Reproductive or sexual health device" shall include, but shall not be limited to, any contraceptive or other tool used to prevent unwanted pregnancy or the transmission of HIV or other sexually transmitted diseases, including but not limited to male condoms, female condoms, lubricants, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), HIV anti-retroviral medication, spermicide, hormonal methods, emergency contraception, diaphragm, cervical cap, or sponge.

§ 17. Paragraph (c) of subdivision 1 of section 532-d of the executive law, as amended by section 5 of part M of chapter 56 of the laws of 2017, is amended to read as follows:

(c) A homeless youth who entered a transitional independent living program under the age of [~~twenty-one~~] twenty-four may continue to receive shelter services in such program beyond the applicable period authorized by paragraph (b) of this subdivision, if the municipality has notified the office of children and family services in accordance with clause (iv) of subparagraph three of paragraph a of subdivision two of section four hundred twenty of this chapter;

§ 18. Section 214-d of the executive law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

§ 214-d. Human trafficking and sexual exploitation awareness. The superintendent, in consultation with the office of temporary and disability assistance, the office of children and family services, and the division of criminal justice services, shall:

[~~(1)~~] 1. (a) develop, maintain and disseminate to all members of the state police, including new and veteran officers, written policies, procedures and educational materials relating to human trafficking and sexually exploited victims, including but not limited to, (i) services available for victims of human trafficking and services available for victims of sexual exploitation, as referenced in section four hundred eighty-three-bb of the social services law, and title eight-A of the social services law; and (ii) education on the impact of the trauma and emotional harm experienced by victims of human trafficking and sexual exploitation; and

[~~(2)~~] (b) establish and implement trauma informed written procedures and policies in the event a member of the division of state police encounters an individual believed to be a victim of human trafficking, or victim of sexual exploitation which shall include, but not be limited to, the provision of information and/or referral to an appropriate provider of social and legal services to human trafficking, or sexually exploited victims[~~, in accordance with such section four hundred eighty-three-bb~~]; and

(c) establish and implement trauma informed written procedures and policies in the event a member of the division of state police encounters such victim, including the provision of information and referral to the appropriate services.

2. In the development of such program, the commissioners, and superintendent of state police shall seek the recommendations of a broad range of experts such as social service providers, certified and licensed social workers, others with educational expertise in human

trafficking, sexual exploitation, intimate partner violence, sexual assault, reproductive and sexual health care, and serving lesbian, gay, bisexual, transgender and questioning individuals.

3. The superintendent shall make available to all local law enforcement all materials, trainings, and resources developed pursuant to this chapter.

§ 19. Section 650 of the county law is amended by adding a new subdivision 3 to read as follows:

3. The sheriff, in any county with greater than one hundred thousand residents according to the most recent census, shall, for all members of the department:

(a) adopt, maintain, and disseminate written policies, and educational materials, regarding human trafficking and sexual exploitation, including, but not limited to: (i) services available for victims of human trafficking or sexual exploitation; and (ii) education on the impact of the trauma and emotional harm experienced by victims of human trafficking and sexual exploitation;

(b) establish, and implement on an ongoing basis, a training program for all current and new employees regarding the policies and procedures established pursuant to this section; and

(c) establish and implement trauma informed written procedures and policies in the event a member of the police department encounters such victim, including the provision of information and referral to the appropriate services.

§ 20. Section 39 of the town law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

§ 39. Powers and duties of constables and town police officers. 1. Constables and town police officers shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law.

2. The chief constable or police officer, in any town with greater than one hundred thousand residents according to the most recent census, shall, for all members of the department:

(a) adopt, maintain, and disseminate written policies, and educational materials, regarding human trafficking and sexual exploitation, including, but not limited to:

(i) services available for victims of human trafficking or sexual exploitation; and

(ii) education on the impact of the trauma and emotional harm experienced by victims of human trafficking and sexual exploitation;

(b) establish, and implement on an ongoing basis, a training program for all current and new employees regarding the policies and procedures established pursuant to this section; and

(c) establish and implement trauma informed written procedures and policies in the event a member of the police department encounters such victim, including the provision of information and referral to the appropriate services.

§ 21. Section 841 of the executive law is amended by adding a new subdivision 7-c to read as follows:

7-c. Take such steps as may be necessary to ensure that all police officers and peace officers certified pursuant to subdivision three of this section receive appropriate instruction regarding the evidentiary prohibition set forth in section 60.47 of the criminal procedure law and

section forty-five hundred nineteen-b of the civil practice law and rules relating to the use of condoms and other reproductive or sexual health devices as evidence in certain misdemeanor trials, hearings or proceedings, or as a basis for probable cause for arrest, including that unauthorized seizure or confiscation of condoms and other reproductive or sexual health devices as a breach of public policy;

§ 22. Section 447-a of the social services law, as added by chapter 569 of the laws of 2008, subdivision 1 as amended by chapter 189 of the laws of 2018, paragraphs (c) and (d) of subdivision 1 as amended by chapter 23 of the laws of 2021, subdivision 2 as amended by section 8 of part M of chapter 56 of the laws of 2017, and subdivisions 4 and 5 as amended by section 1 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

§ 447-a. Definitions. As used in this title:

1. The term "sexually exploited [~~child~~] individual" means any person under the age of [~~eighteen~~] twenty-four at the time of identification 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~~] an individual as defined in section 230.34-a of the penal law; or

(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 of the penal law~~].

2. The term "short-term safe house" means a residential facility operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article including a residential facility operating as part of a runaway and homeless youth crisis services program as defined in subdivision four of section five hundred thirty-two-a of the executive law or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides emergency shelter, services and care to sexually exploited [~~children~~] individuals including food, shelter, clothing, medical care, counseling and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject [~~child~~] individual. The short-term safe house shall also be available at the point in time that [~~a child~~] an individual under the age of [~~eighteen~~] twenty-four has first come into the custody of juvenile detention officials, law enforcement, local jails or the local commissioner of social services or is residing with the local runaway and homeless youth authority.

3. The term "advocate" means an employee of the short-term safe house defined in subdivision two of this section that has been trained to work with and advocate for the needs of sexually exploited [~~children~~] individuals. The advocate shall accompany the [~~child~~] individual to all court appearances and will serve as a liaison between the short-term safe house and the court.

4. The term "safe house" means a residential facility operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article including a residential facility operating as part of an approved runaway program as defined in subdivision four of section five hundred thirty-two-a of the executive law or a not-for-profit agency with experience in providing services to sexually exploited

youth and approved in accordance with the regulations of the office of children and family services that provides shelter for sexually exploited [~~children~~] **individuals**. In addition, a long-term safe house may be operated by a transitional independent living support program as defined in subdivision six of section five hundred thirty-two-a of the executive law. A safe house serving sexually exploited [~~children~~] **individuals** as defined in this title shall provide or assist in securing necessary services for such sexually exploited [~~children~~] **individuals** either through direct provision of services, or through written agreements with other community and public agencies for the provision of services including but not limited to housing, assessment, case management, medical care, legal, mental health and substance and alcohol abuse services. Where appropriate such safe house in accordance with a service plan for such sexually exploited [~~child~~] **individual** may also provide counseling and therapeutic services, educational services including life skills services and planning services to successfully transition residents back to the community. Nothing in the provisions of this title or article nineteen-H of the executive law shall prevent [~~a child~~] **an individual** who is the subject of a proceeding which has not reached final disposition from residing at the safe house for the duration of that proceeding nor shall it prevent any sexually exploited [~~child~~] **individual** who is not the subject of a proceeding from residing at the safe house. [~~An~~] **For individuals under the age of eighteen, an** advocate employed by a short-term safe house or other appropriate staff of a short-term safe house shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following a sexually exploited [~~child's~~] **individual's** admission into the program other than pursuant to a court order, notify such [~~child's~~] **individual's** parent, guardian or custodian of his or her physical and emotional condition and the circumstances surrounding the [~~child's~~] **individual's** presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the advocate or other appropriate staff member shall either file an appropriate petition in the family court, refer the youth to the local social services district, or in instances where abuse or neglect is suspected, report such case pursuant to title six of this article.

5. The term "community-based program" means a program operated by a not-for-profit organization that provides services such as street outreach, voluntary drop-in services, peer counseling, individual counseling, family-therapy and referrals for services such as educational and vocational training and health care. Any such community-based program may also work with the safe house serving sexually exploited [~~children~~] **individuals** as defined in this title to provide transitional services to such [~~children~~] **individuals** returning to the community.

§ 23. Section 447-b of the social services law, as added by chapter 569 of the laws of 2008, subdivisions 1, 2, 3, 5 and 6 as amended by section 2 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

§ 447-b. Services for exploited [~~children~~] **individuals**. 1. Notwithstanding any inconsistent provision of law, pursuant to regulations of the office of children and family services, every local social services district shall as a component of the district's multi-year consolidated services child welfare services plan address the [~~child~~] welfare services needs of sexually exploited [~~children~~] **individuals** and to the extent that funds are available specifically therefor ensure that a

short-term safe house or another short-term safe placement such as an approved runaway and homeless youth program, approved respite or crisis program providing crisis intervention or respite services or community-based program to serve sexually exploited [~~children~~] **individuals** is available to [~~children~~] **individuals** residing in such district. Nothing in this section shall prohibit a local social services district from utilizing existing respite or crisis intervention services already operated by such social services district or homeless youth programs or services for victims of human trafficking pursuant to article ten-D of this chapter so long as the staff members have received appropriate training approved by the office of children and family services regarding sexually exploited [~~children~~] **individuals** and the existing programs and facilities provide a safe, secure and appropriate environment for sexually exploited [~~children~~] **individuals**. Crisis intervention services, short-term safe house care and community-based programming may, where appropriate, be provided by the same not-for-profit agency. Local social services districts may work cooperatively to provide such short-term safe house or other short-term safe placement, services and programming and access to such placement, services and programming may be provided on a regional basis, provided, however, that every local social services district shall to the extent that funds are available ensure that such placement, services and programs shall be readily accessible to sexually exploited [~~children~~] **individuals** residing within the district.

2. All of the services created under this title may, to the extent possible provided by law, be available to all sexually exploited [~~children~~] **individuals** whether they are accessed voluntarily, as a condition of an adjournment in contemplation of dismissal issued in criminal court, through the diversion services created under section seven hundred thirty-five of the family court act, through a proceeding under article three of the family court act, a proceeding under article ten of the family court act or through a referral from a local social services agency.

3. The capacity of the crisis intervention services and community-based programs in subdivision one of this section shall be based on the number of sexually exploited [~~children~~] **individuals** in each district who are in need of such services. A determination of such need shall be made in two thousand ten and every five years thereafter in every social services district by the local commissioner of social services and be included in the integrated county plan. Such determination shall be made in consultation with local law enforcement, runaway and homeless youth program providers, local probation departments, local social services commissioners, the runaway and homeless youth coordinator for the local social services district, local law guardians, presentment agencies, public defenders and district attorney's offices and child advocates and services providers who work directly with sexually exploited youth.

4. In determining the need for and capacity of the services created under this section, each local social services district shall recognize that sexually exploited youth have separate and distinct service needs according to gender and, where a local social services district determines that the need exists, to the extent that funds are available, appropriate programming shall be made available.

5. To the extent funds are specifically appropriated therefor, the office of children and family services shall contract with an appropriate not-for-profit agency with experience working with sexually exploited [~~children~~] **individuals** to operate at least one long-term safe

house in a geographically appropriate area of the state which shall provide safe and secure long term housing and specialized services for sexually exploited [~~children~~] **individuals** throughout the state. The appropriateness of the geographic location shall be determined taking into account the areas of the state with high numbers of sexually exploited [~~children~~] **individuals** and the need for sexually exploited [~~children~~] **individuals** to find shelter and long term placement in a region that cannot be readily accessed by the perpetrators of sexual exploitation. The need for more than one long-term safe house shall be determined by the office of children and family services based on the numbers and geographical location of sexually exploited [~~children~~] **individuals** within the state. Nothing herein shall be construed to preclude an agency from applying for and accepting grants, gifts and bequests of funds from private individuals, foundations and the federal government for the purpose of creating or carrying out the duties of a long-term safe house.

6. The local social services commissioner may, to the extent that funds are available, in conjunction with the division of criminal justice services and local law enforcement officials, contract with an appropriate not-for-profit agency with experience working with sexually exploited [~~children~~] **individuals** to train law enforcement officials who are likely to encounter sexually exploited [~~children~~] **individuals** in the course of their law enforcement duties on the provisions of this section and how to identify and obtain appropriate services for sexually exploited [~~children~~] **individuals**. Local social services districts may work cooperatively to provide such training and such training may be provided on a regional basis. The division of criminal justice services shall assist local social services districts in obtaining any available funds for the purposes of conducting law enforcement training from the federal justice department and the office of juvenile justice and delinquency prevention.

§ 24. Subdivision (a) of section 483-aa of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(a) "Human trafficking victim" means a person who is a victim of sex trafficking as defined in section 230.34 of the penal law or a victim of labor trafficking as defined in section 135.35 of the penal law **or, where a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age, or as defined under section 12 of 22 U.S. Code § 7102 - Sex Trafficking. ("sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act)**.

§ 25. Subdivision (a) of section 483-bb of the social services law, as added by chapter 74 of the laws of 2007, is amended and a new subdivision (d) is added to read as follows:

(a) The office of temporary and disability assistance [~~may~~] **shall** coordinate with and assist law enforcement agencies and district attorney's offices to access appropriate services for human trafficking victims.

(d) Annually the provision of such services shall be reviewed and evaluated to ensure that victims of human trafficking are able to access and to utilize such services in an appropriate and helpful manner by the interagency task force on human trafficking created in section four hundred eighty-three-aa of this article. If the task force determines that the services prescribed herein are not appropriate, not being

accessed or utilized the task force shall determine protocols to ensure that such services are more accessible and are more readily available.

§ 26. Section 483-ee of the social services law, as amended by chapter 413 of the laws of 2016, is amended to read as follows:

§ 483-ee. Establishment of interagency task force on human trafficking. (a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their designees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of temporary and disability assistance; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of [~~alcoholism and substance abuse services~~] **addiction services and supports**; (8) the director of the office of victim services; (9) the executive director of the office for the prevention of domestic violence; and (10) the superintendent of the division of state police; and the following additional members, who shall be promptly appointed by the governor, each for a term of two years, provided that such person's membership shall continue after such two year term until a successor is appointed and provided, further, that a member may be reappointed if again recommended in the manner specified in this subdivision: (11) two members, who shall be appointed on the recommendation of the temporary president of the senate; (12) two members, who shall be appointed on the recommendation of the speaker of the assembly; (13) two members, who shall be appointed on the recommendation of the not-for-profit organization in New York state that receives the largest share of funds, appropriated by and through the state budget, for providing services to victims of human trafficking, as shall be identified annually in writing by the director of the budget; and (14) one member, who shall be appointed on the recommendation of the president of the New York state bar association; and others as may be necessary to carry out the duties and responsibilities under this section. **An effort shall be made to include representatives from the following groups of people: survivors of human trafficking, survivors of sexual exploitation, service providers from various geographic areas of the state, representatives of women's rights organizations, representatives of the lesbian gay bisexual transgender and queer populations and representatives from various ethnic demographics across New York state.** The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of temporary and disability assistance, or their designees. It shall meet as often as is necessary, but no less than three times per year, and under circumstances as are appropriate to fulfilling its duties under this section. All members shall be provided with written notice reasonably in advance of each meeting with date, time and location of such meeting.

(b) The task force shall: (1) collect and organize data on the nature and extent of **crimes related to** trafficking **and sexual exploitation of** persons in the state; (2) identify available federal, state and local programs that provide services to victims of trafficking, including but not limited to case management, housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York state or the United States; (3) consult with governmental and non-governmental

organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking and prosecute traffickers; (4) establish interagency protocols and collaboration between federal, state, and local law enforcement, state and governmental agencies, child welfare agencies, and non-governmental organizations; (5) evaluate approaches to increase public awareness about trafficking and make recommendations on such approaches; (6) evaluate the effectiveness of training programs on human trafficking that have been designed for law enforcement personnel, criminal defense attorneys, social service providers and non-governmental organizations, and make recommendations for improving the quality and effectiveness of such programs**, as well as ensure that said training is occurring on an annual basis**; (7) measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking; and (8) convene any subcommittee necessary, provided such subcommittee has at least one of the members appointed by the speaker of the assembly, temporary president of the senate or governor, to consider specific issues, including, but not limited to: federal, state and/or local cooperation; juveniles and human trafficking; the importance of training and who should receive such training; how data is compiled and shared; and services for and treatment of domestic versus foreign born victims.

(c) The task force shall report to the governor, the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate and the minority leader of the senate no less than annually, and it shall additionally issue such reports and recommendations as it deems necessary to carry out its duties and responsibilities.

(d) The task force shall work with the state education department to create and implement additional sexual education for students in secondary school that includes information as it relates to prostitution, its inherent violence and impact on public and individual health.

§ 27. The state finance law is amended by adding a new section 97-bbbb to read as follows:

§ 97-bbbb. Victims of sexual exploitation fund. 1. There is established in the joint custody of the state comptroller and the commissioner of the department of taxation and finance a fund to be known as the "victims of sexual exploitation fund".

2. The victims of sexual exploitation fund shall consist of monies received by the state pursuant to section 80.20 of the penal law and all other fees, fines, grants, bequests or other monies credited, appropriated or transferred thereto from any other fund or source.

3. Monies of the victims of sexual exploitation fund, following appropriation by the legislature and allocation by the director of the budget shall be made available for grants to victims and local assistance services and expenses of programs to provide services to victims of sexual exploitation as determined by the office of victim services and the interagency task force on human trafficking.

§ 28. Subdivision a of section 3-118 of the administrative code of the city of New York, as amended by chapter 189 of the laws of 2018, the third undesignated paragraph as amended by chapter 23 of the laws of 2021, 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~~] **24** who are in need of services and are without a place of shelter where supervision and care are available.

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 **former** 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; (d) are a victim of the crime of sex trafficking of a child as defined in section 230.34-a of the penal law; or (e) engage in acts or conduct described in article two hundred sixty-three 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 one hundred thirty of the penal law.

§ 29. Subdivision 4 of section 170.30 of the criminal procedure law is REPEALED.

§ 30. Section 60.42 of the criminal procedure law, as amended by section 1 of part R of chapter 55 of the laws of 2019, is amended to read as follows:

§ 60.42 Rules of evidence; admissibility of evidence of victim's sexual conduct in sex offense cases.

Evidence of a victim's sexual conduct shall not be admissible in a prosecution for an offense or an attempt to commit an offense defined in article one hundred thirty or in section 230.34 of the penal law unless such evidence:

1. proves or tends to prove specific instances of the victim's prior sexual conduct with the accused; or

2. [~~proves or tends to prove that the victim has been convicted of an offense under section 230.00 of the penal law within three years prior to the sex offense which is the subject of the prosecution; or~~

~~3.~~] rebuts evidence introduced by the people of the victim's failure to engage in sexual intercourse, oral sexual conduct, anal sexual conduct or sexual contact during a given period of time; or

[~~4.~~] **3.** rebuts evidence introduced by the people which proves or tends to prove that the accused is the cause of pregnancy or disease of the victim, or the source of semen found in the victim; or

[~~5.~~] **4.** is determined by the court after an offer of proof by the accused outside the hearing of the jury, or such hearing as the court may require, and a statement by the court of its findings of fact essential to its determination, to be relevant and admissible in the interests of justice.

§ 31. The opening paragraph of subdivision 1 of section 170.80 of the criminal procedure law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

Notwithstanding any other provision of law, at any time at or after arraignment on a charge of prostitution pursuant to **former** section 230.00 of the penal law, after consultation with counsel, a knowing and voluntary plea of guilty has been entered to such charge, any judge or justice hearing any stage of such case may, upon consent of the defendant after consultation with counsel:

§ 32. Subdivision 2 of section 420.35 of the criminal procedure law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

2. Except as provided in this subdivision or subdivision two-a of this section, under no circumstances shall the mandatory surcharge, sex offender registration fee, DNA databank fee or the crime victim assist-

ance fee be waived. A court shall waive any mandatory surcharge, DNA databank fee and crime victim assistance fee when: (i) the defendant is convicted of prostitution under **former** section 230.00 of the penal law; (ii) the defendant is convicted of a violation in the event such conviction is in lieu of a plea to or conviction for prostitution under **former** section 230.00 of the penal law; (iii) the court finds that a defendant is a victim of sex trafficking under section 230.34 of the penal law or a victim of trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78); or (iv) the court finds that the defendant is a victim of sex trafficking of a child under section 230.34-a of the penal law.

§ 33. Subdivision 4 of section 720.15 of the criminal procedure law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

4. Notwithstanding any provision in this article, a person charged with prostitution as defined in **former** section 230.00 of the penal law regardless of whether such person (i) had prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, or (ii) subsequent to such conviction for prostitution is convicted of a crime or found a youthful offender, the provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be sealed, and the arraignment and all proceedings in the action to be conducted in private shall apply.

§ 34. Subdivision 1 of section 720.35 of the criminal procedure law, as amended by chapter 23 of the laws of 2021, is amended to read as follows:

1. A youthful offender adjudication is not a judgment of conviction for a crime or any other offense, and does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority but shall be deemed a conviction only for the purposes of transfer of supervision and custody pursuant to section two hundred fifty-nine-m of the executive law. A defendant for whom a youthful offender adjudication was substituted, who was originally charged with prostitution as defined in **former** section 230.00 of the penal law, shall be deemed a "sexually exploited [~~child~~] **individual**" as defined in subdivision one of section four hundred forty-seven-a of the social services law and therefore shall not be considered an adult for purposes related to the charges in the youthful offender proceeding or a proceeding under section 170.80 of this chapter.

§ 35. Paragraph (d) of subdivision 4 of section 305.2 of the family court act, as added by section 3 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

(d) take the child who such officer has decided to take into custody in accordance with this section [~~or section 305.1 of this part for violating the provisions of section 230.00 of the penal law,~~] to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law; or

§ 36. Section 344.4 of the family court act, as added by chapter 761 of the laws of 1987, subdivision 3 as amended by chapter 264 of the laws of 2003, is amended to read as follows:

§ 344.4. Rules of evidence; admissibility of evidence of victim's sexual conduct in sex offense cases. Evidence of a victim's sexual conduct shall not be admissible in a juvenile delinquency proceeding for

a crime or an attempt to commit a crime defined in article one hundred thirty of the penal law unless such evidence:

1. proves or tends to prove specific instances of the victim's prior sexual conduct with the accused; or

2. [~~proves or tends to prove that the victim has been convicted of an offense under section 230.00 of the penal law within three years prior to the sex offense which is the subject of the juvenile delinquency proceeding; or~~

~~3.~~] rebuts evidence introduced by the presentment agency of the victim's failure to engage in sexual intercourse, oral sexual conduct, anal sexual conduct or sexual contact during a given period of time; or

[~~4.~~] **3.** rebuts evidence introduced by the presentment agency which proves or tends to prove that the accused is the cause of pregnancy or disease of the victim, or the source of semen found in the victim; or

[~~5.~~] **4.** is determined by the court after an offer of proof by the accused, or such hearing as the court may require, and a statement by the court of its findings of fact essential to its determination, to be relevant and admissible in the interests of justice.

§ 37. Subdivision (a) of section 712 of the family court act, as separately amended by chapters 92 and 97 of the laws of 2021, is amended to read as follows:

(a) "Person in need of supervision". A person less than eighteen years of age: (i) who does not attend school in accordance with the provisions of part one of article sixty-five of the education law; (ii) who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority; (iii) who violates the provisions of **former** section 230.00 of the penal law; (iv) or who appears to be a sexually exploited [~~child~~] **individual** as defined in paragraph (a)[~~, (c)~~] or [~~(d)~~] **(b)** of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

§ 38. Subdivision 2 of section 353 of the multiple dwelling law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

2. If there be two or more convictions in such dwelling within a period of six months, under [~~sections 230.00,~~] **section** 230.25[~~,~~] or 230.40 of the penal law.

§ 39. Section 2324-a of the public health law, as amended by chapter 189 of the laws of 2018, 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, 230.32 or 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.

§ 40. 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 aris-

ing 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.

§ 41. 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.

§ 42. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle and traffic law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

(c) The offenses referred to in subparagraph (i) of paragraph (b) of subdivision one and subparagraph (i) of paragraph (c) of subdivision two of this section that result in disqualification for a period of five years shall include a conviction under sections 100.10, 105.13, 115.05, **former sections** 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13, 125.40[~~,~~] **and** 125.45, **sections** 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 220.65, subdivision two of section 222.50, subdivision two of section 222.55, **former section** 230.00, **sections** 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any similar offenses committed under a former section 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.

§ 43. Severability. If any provision or term of this act is for any reason declared unconstitutional or invalid or ineffective by any competent jurisdiction, such decision shall not affect the validity of the effectiveness of the remaining portions of this act or any part thereof.

§ 44. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to section 483-ee of the social services law made by section twenty-six of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.