

STATE OF NEW YORK

7069--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

Introduced by M. of A. HUNTER, PAULIN, JEAN-PIERRE -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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.

LBD08899-09-2

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:

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

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

5 § 230.01 Prostitution; affirmative defense.

6 In any prosecution under [~~section 230.00, section 230.03,~~] section
7 230.19, section 230.20, subdivision [~~2~~] two of section 230.25, subdivi-
8 sion [~~2~~] two of section 230.30 or section 230.34-a of this article, it
9 is an affirmative defense that the defendant's participation in the
10 offense was a result of having been a victim of compelling prostitution
11 under section 230.33 of this article, a victim of sex trafficking under
12 section 230.34 of this article, a victim of sex trafficking of a child
13 under section 230.34-a of this article or a victim of trafficking in
14 persons under the trafficking victims protection act (United States
15 Code, Title 22, Chapter 78).

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

19 § 230.02 Patronizing a person for prostitution; definitions.

20 1. A person patronizes a person for prostitution when:

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

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

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

30 2. As used in this article[~~7~~]:

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

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

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

40 § 230.15 Promoting prostitution; definitions of terms.

41 The following definitions are applicable to this article:

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

1 2. "Profit from prostitution." A person "profits from prostitution"
2 when, acting other than as a person in prostitution receiving compen-
3 sation for personally rendered prostitution services, he or she accepts
4 or receives money or other property pursuant to an agreement or under-
5 standing with any person whereby he or she participates or is to partic-
6 ipate in the proceeds of prostitution activity.

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

10 § 5. Section 230.19 of the penal law, as added by chapter 191 of the
11 laws of 2011, subdivision 1 as amended by chapter 368 of the laws of
12 2015, is amended to read as follows:

13 § 230.19 Promoting prostitution in a school zone.

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

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

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

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

30 § 230.35 Promoting or compelling prostitution; accomplice.

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

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

38 1. Class A misdemeanor. A sentence to pay a fine for a class A misde-
39 meanor shall be a sentence to pay an amount, fixed by the court, not
40 exceeding one thousand dollars, provided, however, that a sentence
41 imposed for a violation of section 215.80 of this chapter may include a
42 fine in an amount equivalent to double the value of the property unlaw-
43 fully disposed of in the commission of the crime; provided however that
44 no sentence imposed by this section shall be imposed on any individual
45 sentenced under subdivision one of section 80.20 of this article.

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

48 § 80.20 Imposition of fines in relation to certain violations of article
49 230.

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

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

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

<u>Amount of net taxable income:</u>	<u>Schedule of Fines:</u>
10 <u>(a) Less than thirty thousand</u>	<u>Fifty dollars</u>
11 <u>dollars</u>	
12 <u>(b) Thirty thousand dollars or</u>	<u>One hundred dollars</u>
13 <u>more, but less than fifty</u>	
14 <u>thousand dollars</u>	
15 <u>(c) Fifty thousand dollars or</u>	<u>Two hundred dollars</u>
16 <u>more, but less than seventy-five</u>	
17 <u>thousand dollars</u>	
18 <u>(d) Seventy-five thousand dollars</u>	<u>Three hundred dollars</u>
19 <u>or more, but less than one hundred</u>	
20 <u>thousand dollars</u>	
21 <u>(e) One hundred thousand dollars or</u>	<u>Five hundred dollars</u>
22 <u>more, but less than one hundred fifty</u>	
23 <u>thousand dollars</u>	
24 <u>(f) One hundred fifty thousand</u>	<u>Seven hundred dollars</u>
25 <u>dollars or more, but less than two</u>	
26 <u>hundred thousand dollars</u>	
27 <u>(g) Greater than two hundred</u>	<u>One thousand dollars</u>
28 <u>thousand dollars</u>	

29 3. Notwithstanding any other provision of law, a person whose
 30 violation of any offense enumerated under section 230.05, 230.06,
 31 230.19, 230.20, 230.25, 230.30, 230.32, 230.33, 230.34, or 230.34-a of
 32 this chapter that results in a judicial disposition other than acquit-
 33 tal, adjournment in contemplation of dismissal or dismissal shall pay a
 34 fine the sum of which will be calculated at the time of sentencing, on a
 35 sliding scale, based on their net taxable income, which shall be deter-
 36 mined by the completion of a compulsory financial disclosure. If it is
 37 determined that such defendant is in a financial position to pay a
 38 prescribed fine, such defendant shall pay a fine in one of the following
 39 amounts to the court, to be distributed to the victims of sexual exploi-
 40 tation fund established by section ninety-seven-bbbb of the state
 41 finance law.

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

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

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

51 4. (a) If the defendant is assessed a fine or fee by the court but can
 52 prove they will have financial difficulty paying the amount in one lump
 53 sum an installment payment plan may be provided as described in this
 54 subdivision. Any such installment payment plan shall include all fines,
 55 fees and mandatory surcharges and shall consist of monthly payments that
 56

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

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

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

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

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

42 (1) develop, expand or strengthen programs for victims of human traf-
43 ficking and sexual exploitation, including:

44 (i) health services, including mental health services;

45 (ii) temporary and permanent housing placement;

46 (iii) legal and immigration services;

47 (iv) employment placement, education and training; and

48 (v) safe harbour programs for sexually exploited children;

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

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

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

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

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

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

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

8 § 13. The criminal procedure law is amended by adding a new section
9 440.46-b to read as follows:

10 § 440.46-b Motion for resentence; persons convicted of certain prostitu-
11 tion offenses.

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

28 2. (a) When a person has been convicted in this state, whether by
29 trial verdict or guilty plea, under former section 230.00, 230.03 or
30 240.37 of the penal law, then such person may petition the court of
31 conviction pursuant to this article for vacatur of such conviction.

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

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

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

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

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

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

26 § 4519-b. Possession of reproductive or sexual health devices; receipt
27 into evidence. 1. Evidence that a person was in possession of a condom
28 or other reproductive or sexual health device may not be received in
29 evidence in any trial, hearing or proceeding in relation to any allega-
30 tion of a misdemeanor offense pursuant to subdivision one of section
31 twelve and article ten of the multiple dwelling law, sections twelve-a
32 and twenty-three hundred twenty of the public health law, section two
33 hundred thirty-one of the real property law or subdivision five of the
34 section seven hundred eleven and section seven hundred fifteen of the
35 real property actions and proceedings law, or by any law, local law or
36 ordinance of a municipality or political subdivision of the state, or
37 any word, rule, or regulation of any governmental instrumentality
38 authorized by law to adopt the same as evidence of conduct which would
39 constitute an offense defined in article two hundred thirty of the penal
40 law.

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

48 § 16. Section 60.47 of the criminal procedure law, as amended by chap-
49 ter 23 of the laws of 2021, is amended to read as follows:

50 § 60.47 Possession of condoms or other reproductive or sexual health
51 device; receipt into evidence for allegations of misdemeanor
52 offenses.

53 1. Evidence that a person was in possession of one or more condoms or
54 other reproductive or sexual health device may not be admitted at any
55 trial, hearing, or other proceeding in a prosecution for [section
56 230.00] any misdemeanor offense, or an attempt to commit any misdemeanor

1 offense, defined in article two hundred thirty of the penal law, or
 2 section sixty-five hundred twelve of the education law, or any law,
 3 local law or ordinance of a municipality or political subdivision of
 4 state, or any word, rule or regulation of any governmental instrumen-
 5 tality authorized by law to adopt the same, for the purpose of estab-
 6 lishing probable cause for an arrest or proving any person's commission
 7 or attempted commission of such offense.

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

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

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

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

27 § 214-d. Human trafficking and sexual exploitation awareness. The
 28 superintendent, in consultation with the office of temporary and disa-
 29 bility assistance, the office of children and family services, and the
 30 division of criminal justice services, shall:

31 [~~(1)~~] 1. (a) develop, maintain and disseminate to all members of the
 32 state police, including new and veteran officers, written policies,
 33 procedures and educational materials relating to human trafficking and
 34 sexually exploited victims, including but not limited to, (i) services
 35 available for victims of human trafficking and services available for
 36 victims of sexual exploitation, as referenced in section four hundred
 37 eighty-three-bb of the social services law, and title eight-A of the
 38 social services law; and (ii) education on the impact of the trauma and
 39 emotional harm experienced by victims of human trafficking and sexual
 40 exploitation; and

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

49 (c) establish and implement trauma informed written procedures and
 50 policies in the event a member of the division of state police encount-
 51 ers such victim, including the provision of information and referral to
 52 the appropriate services.

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

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

4 3. The superintendent shall make available to all local law enforce-
5 ment all materials, trainings, and resources developed pursuant to this
6 chapter.

7 § 19. Section 650 of the county law is amended by adding a new subdi-
8 vision 3 to read as follows:

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

12 (a) adopt, maintain, and disseminate written policies, and educational
13 materials, regarding human trafficking and sexual exploitation, includ-
14 ing, but not limited to: (i) services available for victims of human
15 trafficking or sexual exploitation; and (ii) education on the impact of
16 the trauma and emotional harm experienced by victims of human traffick-
17 ing and sexual exploitation;

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

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

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

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

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

37 (a) adopt, maintain, and disseminate written policies, and educational
38 materials, regarding human trafficking and sexual exploitation, includ-
39 ing, but not limited to:

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

42 (ii) education on the impact of the trauma and emotional harm experi-
43 enced by victims of human trafficking and sexual exploitation;

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

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

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

53 7-c. Take such steps as may be necessary to ensure that all police
54 officers and peace officers certified pursuant to subdivision three of
55 this section receive appropriate instruction regarding the evidentiary
56 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;~~ ~~(e)~~] 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

1 youth and approved in accordance with the regulations of the office of
2 children and family services that provides shelter for sexually
3 exploited [~~children~~] individuals. In addition, a long-term safe house
4 may be operated by a transitional independent living support program as
5 defined in subdivision six of section five hundred thirty-two-a of the
6 executive law. A safe house serving sexually exploited [~~children~~] indi-
7 viduals as defined in this title shall provide or assist in securing
8 necessary services for such sexually exploited [~~children~~] individuals
9 either through direct provision of services, or through written agree-
10 ments with other community and public agencies for the provision of
11 services including but not limited to housing, assessment, case manage-
12 ment, medical care, legal, mental health and substance and alcohol abuse
13 services. Where appropriate such safe house in accordance with a service
14 plan for such sexually exploited [~~child~~] individual may also provide
15 counseling and therapeutic services, educational services including life
16 skills services and planning services to successfully transition resi-
17 dents back to the community. Nothing in the provisions of this title or
18 article nineteen-H of the executive law shall prevent [~~a-child~~] an indi-
19 vidual who is the subject of a proceeding which has not reached final
20 disposition from residing at the safe house for the duration of that
21 proceeding nor shall it prevent any sexually exploited [~~child~~] individ-
22 ual who is not the subject of a proceeding from residing at the safe
23 house. [~~An~~] For individuals under the age of eighteen, an advocate
24 employed by a short-term safe house or other appropriate staff of a
25 short-term safe house shall, to the maximum extent possible, preferably
26 within twenty-four hours but within no more than seventy-two hours
27 following a sexually exploited [~~child's~~] individual's admission into the
28 program other than pursuant to a court order, notify such [~~child's~~]
29 individual's parent, guardian or custodian of his or her physical and
30 emotional condition and the circumstances surrounding the [~~child's~~]
31 individual's presence at the program, unless there are compelling
32 circumstances why the parent, guardian or custodian should not be so
33 notified. Where such circumstances exist, the advocate or other appro-
34 priate staff member shall either file an appropriate petition in the
35 family court, refer the youth to the local social services district, or
36 in instances where abuse or neglect is suspected, report such case
37 pursuant to title six of this article.

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

46 § 23. Section 447-b of the social services law, as added by chapter
47 569 of the laws of 2008, subdivisions 1, 2, 3, 5 and 6 as amended by
48 section 2 of part G of chapter 58 of the laws of 2010, is amended to
49 read as follows:

50 § 447-b. Services for exploited [~~children~~] individuals. 1. Notwith-
51 standing any inconsistent provision of law, pursuant to regulations of
52 the office of children and family services, every local social services
53 district shall as a component of the district's multi-year consolidated
54 services child welfare services plan address the [~~child~~] welfare
55 services needs of sexually exploited [~~children~~] individuals and to the
56 extent that funds are available specifically therefor ensure that a

1 short-term safe house or another short-term safe placement such as an
2 approved runaway and homeless youth program, approved respite or crisis
3 program providing crisis intervention or respite services or community-
4 based program to serve sexually exploited [~~children~~] individuals is
5 available to [~~children~~] individuals residing in such district. Nothing
6 in this section shall prohibit a local social services district from
7 utilizing existing respite or crisis intervention services already oper-
8 ated by such social services district or homeless youth programs or
9 services for victims of human trafficking pursuant to article ten-D of
10 this chapter so long as the staff members have received appropriate
11 training approved by the office of children and family services regard-
12 ing sexually exploited [~~children~~] individuals and the existing programs
13 and facilities provide a safe, secure and appropriate environment for
14 sexually exploited [~~children~~] individuals. Crisis intervention
15 services, short-term safe house care and community-based programming
16 may, where appropriate, be provided by the same not-for-profit agency.
17 Local social services districts may work cooperatively to provide such
18 short-term safe house or other short-term safe placement, services and
19 programming and access to such placement, services and programming may
20 be provided on a regional basis, provided, however, that every local
21 social services district shall to the extent that funds are available
22 ensure that such placement, services and programs shall be readily
23 accessible to sexually exploited [~~children~~] individuals residing within
24 the district.

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

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

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

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

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

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

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

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

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

46 (a) The office of temporary and disability assistance [~~may~~] shall
47 coordinate with and assist law enforcement agencies and district attor-
48 ney's offices to access appropriate services for human trafficking
49 victims.

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

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

3 § 26. Section 483-ee of the social services law, as amended by chapter
4 413 of the laws of 2016, is amended to read as follows:

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

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

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

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

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

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

34 § 97-bbbb. Victims of sexual exploitation fund. 1. There is estab-
35 lished in the joint custody of the state comptroller and the commission-
36 er of the department of taxation and finance a fund to be known as the
37 "victims of sexual exploitation fund".

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

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

48 § 28. Subdivision a of section 3-118 of the administrative code of the
49 city of New York, as amended by chapter 189 of the laws of 2018, the
50 third undesignated paragraph as amended by chapter 23 of the laws of
51 2021, is amended to read as follows:

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

54 Homeless youth. The term "homeless youth" means persons under the age
55 of [21] 24 who are in need of services and are without a place of shel-
56 ter where supervision and care are available.

1 Sexually exploited youth. The term "sexually exploited youth" means
2 persons under the age of 18 who have been subject to sexual exploitation
3 because they (a) are the victim of the crime of sex trafficking as
4 defined in section 230.34 of the penal law; (b) engage in any act as
5 defined in former section 230.00 of the penal law; (c) are a victim of
6 the crime of compelling prostitution as defined in section 230.33 of the
7 penal law; (d) are a victim of the crime of sex trafficking of a child
8 as defined in section 230.34-a of the penal law; or (e) engage in acts
9 or conduct described in article two hundred sixty-three of the penal
10 law. The term shall also mean persons under the age of 18 who have been
11 subject to incest in the third degree, second degree or first degree, as
12 defined in sections 255.25, 255.26, and 255.27 of the penal law, respec-
13 tively, or any of the sex offenses enumerated in article one hundred
14 thirty of the penal law.

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

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

20 § 60.42 Rules of evidence; admissibility of evidence of victim's sexual
21 conduct in sex offense cases.

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

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

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

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

34 ~~[4.]~~ 3. rebuts evidence introduced by the people which proves or tends
35 to prove that the accused is the cause of pregnancy or disease of the
36 victim, or the source of semen found in the victim; or

37 ~~[5.]~~ 4. is determined by the court after an offer of proof by the
38 accused outside the hearing of the jury, or such hearing as the court
39 may require, and a statement by the court of its findings of fact essen-
40 tial to its determination, to be relevant and admissible in the inter-
41 ests of justice.

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

45 Notwithstanding any other provision of law, at any time at or after
46 arraignment on a charge of prostitution pursuant to former section
47 230.00 of the penal law, after consultation with counsel, a knowing and
48 voluntary plea of guilty has been entered to such charge, any judge or
49 justice hearing any stage of such case may, upon consent of the defend-
50 ant after consultation with counsel:

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

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

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

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

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

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

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

42 § 35. Paragraph (d) of subdivision 4 of section 305.2 of the family
43 court act, as added by section 3 of part G of chapter 58 of the laws of
44 2010, is amended to read as follows:

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

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

53 § 344.4. Rules of evidence; admissibility of evidence of victim's
54 sexual conduct in sex offense cases. Evidence of a victim's sexual
55 conduct shall not be admissible in a juvenile delinquency proceeding for

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

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

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

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

12 [4.] 3. rebuts evidence introduced by the presentment agency which
13 proves or tends to prove that the accused is the cause of pregnancy or
14 disease of the victim, or the source of semen found in the victim; or

15 [5.] 4. is determined by the court after an offer of proof by the
16 accused, or such hearing as the court may require, and a statement by
17 the court of its findings of fact essential to its determination, to be
18 relevant and admissible in the interests of justice.

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

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

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

36 2. If there be two or more convictions in such dwelling within a peri-
37 od of six months, under [~~sections 230.00,~~] section 230.25[~~7~~] or 230.40
38 of the penal law.

39 § 39. Section 2324-a of the public health law, as amended by chapter
40 189 of the laws of 2018, is amended to read as follows:

41 § 2324-a. Presumptive evidence. For the purposes of this title, two or
42 more convictions of any person or persons had, within a period of one
43 year, for any of the offenses described in section [~~230.00,~~] 230.05,
44 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32
45 or 230.34-a of the penal law arising out of conduct engaged in at the
46 same real property consisting of a dwelling as that term is defined in
47 subdivision four of section four of the multiple dwelling law shall be
48 presumptive evidence of conduct constituting use of the premises for
49 purposes of prostitution.

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

53 3. For the purposes of this section, two or more convictions of any
54 person or persons had, within a period of one year, for any of the
55 offenses described in section [~~230.00,~~] 230.05, 230.06, 230.11, 230.12,
56 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law aris-

1 ing out of conduct engaged in at the same premises consisting of a
2 dwelling as that term is defined in subdivision four of section four of
3 the multiple dwelling law shall be presumptive evidence of unlawful use
4 of such premises and of the owners knowledge of the same.

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

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

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

19 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
20 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
21 of this section that result in disqualification for a period of five
22 years shall include a conviction under sections 100.10, 105.13, 115.05,
23 former sections 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25,
24 121.12, 121.13, 125.40[~~r~~] and 125.45, sections 130.20, 130.25, 130.52,
25 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15,
26 160.05, 160.10, 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 220.65,
27 subdivision two of section 222.50, subdivision two of section 222.55,
28 former section 230.00, sections 230.05, 230.06, 230.11, 230.12, 230.13,
29 230.19, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10,
30 subdivision two of section 260.20 and sections 260.25, 265.02, 265.03,
31 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to
32 commit any of the aforesaid offenses under section 110.00 of the penal
33 law, or any similar offenses committed under a former section of the
34 penal law, or any offenses committed under a former section of the penal
35 law which would constitute violations of the aforesaid sections of the
36 penal law, or any offenses committed outside this state which would
37 constitute violations of the aforesaid sections of the penal law.

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

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