

STATE OF NEW YORK

1029--B

Cal. No. 123

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

Introduced by M. of A. KELLES, SEAWRIGHT, SAYEGH, SIMON, STECK, PAULIN, GALLAGHER, VANEL, OTIS, GONZALEZ-ROJAS, EPSTEIN, CRUZ, GLICK, LEVENBERG, BURDICK, SHIMSKY, LAVINE, SHRESTHA, MAMDANI, REYES, HUNTER, BICHOTTE HERMELYN, FORREST, STERN, DINOWITZ, R. CARROLL, GIBBS, SIMONE, DAIS, CUNNINGHAM, WALKER, WEPRIN, ANDERSON, TAPIA, TAYLOR, MEEKS, HEVESI, ROMERO, BORES, ROSENTHAL, KASSAY, KIM, CLARK, MITAYNES, SCHIAVONI, COLTON, O'PHARROW, HOOKS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to individuals engaged in prostitution who are victims of or witnesses to a crime

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

1 Section 1. The penal law is amended by adding a new section 230.45 to
2 read as follows:

3 § 230.45 Limited immunity from prosecution.

4 1. This section applies where a person is the victim of or a witness
5 to a crime (including an individual who becomes aware that another
6 person is a victim of a crime), and has engaged or is alleged to have
7 engaged in an act prohibited under section 230.00 or 230.03 of this
8 article at or in reasonable proximity to the time of the crime or under
9 circumstances reasonably related to the crime, and, in good faith but
10 not prior to, during or subsequent to an arrest or investigation for
11 such prohibited act, (a) reports the crime to a criminal law enforcement
12 agency, (b) if medically necessary, seeks or receives health care
13 services as a result of the crime, or (c) attempts to assist in the
14 investigation or prosecution of the crime. No such victim or witness to
15 the crime shall be charged or prosecuted for an offense under section
16 230.00 or 230.03 of this article which is alleged to have been committed

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

LBD00064-04-5

1 at or in reasonable proximity to the time of the crime or under circum-
2 stances reasonably related to the crime for which the person is a victim
3 or witness. As used in this section, "crime" shall include an act that
4 reasonably appears to be a crime, regardless of whether it results in a
5 conviction as a crime.

6 2. Where a victim or witness to a crime believes that the conditions
7 for immunity pursuant to subdivision one of this section have been met
8 and such victim or witness has been erroneously charged under section
9 230.00 or 230.03 of this article, such victim or witness may request a
10 hearing to be conducted no later than fifteen days after the charge or
11 charges have been filed to move the court to decide whether conditions
12 for immunity have been met. At such hearing, the court shall be permit-
13 ted to accept all legally permitted evidence, including legally permis-
14 sible hearsay, in support of both parties. If, after conducting such
15 hearing, and by clear and convincing evidence, the court determines that
16 the conditions for immunity were met, then the charge or charges shall
17 be dismissed. If, after conducting such hearing, the court determines
18 that the conditions for immunity were not met, then the charges shall
19 not be dismissed and immunity shall be denied.

20 § 2. This act shall take effect on the sixtieth day after it shall
21 have become a law, and shall apply to any prosecution pending on or
22 after the time it shall take effect.