STATE OF NEW YORK

1919

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sex trafficking of a vulnerable person

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

Section 1. Section 230.34-a of the penal law, as added by chapter 189 of the laws of 2018, is amended to read as follows:

§ 230.34-a Sex trafficking of a child **or vulnerable person**.

1. A person is guilty of sex trafficking of a child when [~~he or she~~] **such person**, being twenty-one years old or more, intentionally advances or profits from prostitution of another person and such person is a child less than eighteen years old. Knowledge by the defendant of the age of such child is not an element of this offense and it is not a defense to a prosecution therefor that the defendant did not know the age of the child or believed such age to be eighteen or over.

2. **A person is guilty of sex trafficking of a vulnerable person when he or she intentionally advances or profits from prostitution of another person and such person is a vulnerable person, as such term is defined in this section.**

3. For purposes of this section:

(a) A person "advances prostitution" when, acting other than as a person in prostitution or as a patron thereof, and with intent to cause prostitution, [~~he or she~~] **such person** directly engages in conduct that facilitates an act or enterprise of prostitution.

(b) A person "profits from prostitution" when, acting other than as a person in prostitution receiving compensation for personally rendered prostitution services, and with intent to facilitate prostitution, [~~he or she~~] **such person** accepts or receives money or other property pursuant to an agreement or understanding with any person whereby [~~he or she~~] **such person** participates in the proceeds of prostitution activity.

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

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(c) A person is a "vulnerable person" when such person is mentally disabled, mentally incapacitated, or physically helpless, as such terms are defined in section 130.00 of this part.

Sex trafficking of a child **or vulnerable person** is a class B felony.

§ 2. The penal law is amended by adding a new section 130.97 to read as follows:

§ 130.97 Predatory sex trafficking.

A person is guilty of predatory sex trafficking when, being eighteen years old or more, such person commits the crime of sex trafficking of a child or vulnerable person.

Predatory sex trafficking is a class A-II felony.

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