

# STATE OF NEW YORK

6460

2025-2026 Regular Sessions

## IN SENATE

March 14, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed 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:

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

3 § 230.34-a Sex trafficking of a child or vulnerable person.

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

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

15 3. For purposes of this section:

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

20 (b) A person "profits from prostitution" when, acting other than as a  
21 person in prostitution receiving compensation for personally rendered  
22 prostitution services, and with intent to facilitate prostitution, [~~he~~  
23 ~~or she~~] such person accepts or receives money or other property pursuant  
24 to an agreement or understanding with any person whereby [~~he or she~~]  
25 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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1 (c) A person is a "vulnerable person" when such person is mentally  
2 disabled, mentally incapacitated, or physically helpless, as such terms  
3 are defined in section 130.00 of this part.

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

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

7 § 130.97 Predatory sex trafficking.

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

11 Predatory sex trafficking is a class A-II felony.

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