

Legislative Bill Drafting Commission
12057-01-8

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA
(Establishes the crime of sex traf-
ficking of a child; repealer)

Pen L. sex trafficking child

AN ACT

to amend the penal law, in relation
to establishing the crime of sex
trafficking of a child and in
relation to promoting prostitution;
to amend the penal law, the
correction law, the criminal proce-
dure law, the social services law,
the vehicle and traffic law, the
administrative code of the city of
New York, the family court act, the
mental hygiene law, the public
health law, the executive law, and
the general business law, in
relation to making technical

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alicantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gallivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a115 Jones	a132 Palmesano	a114 Stec
a092 Abinanti	a070 Dickens	a077 Joyner	a002 Palumbo	a110 Steck
a084 Arroyo	a054 Dilan	a040 Kim	a088 Paulin	a127 Stirpe
a035 Aubry	a081 Dinowitz	a131 Kolb	a009 Pellegrino	a071 Taylor
a120 Barclay	a147 DiPietro	a105 Lalor	a141 Peoples-	a001 Thiele
a030 Barnwell	a016 D'Urso	a013 Lavine	Stokes	a061 Titone
a106 Barrett	a004 Englebright	a134 Lawrence	a058 Perry	a031 Titus
a060 Barron	a133 Errigo	a050 Lentol	a023 Pheffer	a033 Vanel
a082 Benedetto	a109 Fahy	a125 Lifton	Amato	a055 Walker
a042 Bichotte	a126 Finch	a123 Lupardo	a086 Pichardo	a143 Wallace
a079 Blake	a008 Fitzpatrick	a121 Magee	a089 Pretlow	a112 Walsh
a117 Blankenbush	a124 Friend	a129 Magnarelli	a073 Quart	a146 Walter
a098 Brabenec	a095 Galef	a064 Malliotakis	a019 Ra	a041 Weinstein
a026 Braunstein	a137 Gantt	a090 Mayer	a012 Raia	a024 Weprin
a119 Brindisi	a007 Garbarino	a108 McDonald	a006 Ramos	a059 Williams
a138 Bronson	a148 Giglio	a014 McDonough	a043 Richardson	a113 Woerner
a093 Buchwald	a066 Glick	a101 Miller, B.	a078 Rivera	a056 Wright
a118 Butler	a150 Goodell	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a094 Byrne	a075 Gottfried	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a103 Cahill	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a010
a044 Carroll	a139 Hawley	a136 Morelle	a025 Rozic	a017
a062 Castorina	a083 Heastie	a145 Morinello	a149 Ryan	a039
a047 Colton	a028 Hevesi	a057 Mosley	a111 Santabarbara	a046
a032 Cook	a048 Hikind	a003 Murray	a140 Schirminger	a074
a085 Crespo	a018 Hooper	a065 Niou	a076 Seawright	a080
a122 Crouch	a128 Hunter	a037 Nolan	a087 Sepulveda	a102
a021 Curran	a029 Hyndman	a144 Norris	a052 Simon	a104
a063 Cusick	a097 Jaffee	a130 Oaks	a036 Simotas	a107
a045 Cymbrowitz	a011 Jean-Pierre	a069 O'Donnell	a104	a142
a053 Davila	a116 Jenne	a051 Ortiz	a099 Skoufis	
a072 De La Rosa	a135 Johns	a091 Otis	a022 Solages	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

corrections concerning sex traffick-
ing of a child and promoting prosti-
tution; and to repeal certain
provisions of the penal law relating
thereto

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 230.34-a
2 to read as follows:

3 § 230.34-a Sex trafficking of a child.

4 1. A person is guilty of sex trafficking of a child when he or she
5 intentionally advances or profits from prostitution of another person
6 and such other person is a child less than eighteen years old. Knowledge
7 by the defendant of the age of such child is not an element of this
8 offense and it is not a defense to a prosecution therefor that the
9 defendant did not know the age of the child or believed such age to be
10 the same as or greater than that specified in this section.

11 2. In any prosecution under this section in which the defendant is
12 less than nineteen years old, it is an affirmative defense that the
13 defendant's participation in the offense was a result of having been a
14 victim of sex trafficking under section 230.34 of this article or a
15 victim of trafficking in persons under the trafficking victims
16 protection act (United States Code, Title 22, Chapter 78) at the time of
17 the instant offense.

18 Sex trafficking of a child is a class B felony.

19 § 2. Section 230.33 of the penal law is REPEALED.

20 § 3. Paragraph (a) of subdivision 1 of section 70.02 of the penal law,
21 as amended by chapter 368 of the laws of 2015, is amended to read as
22 follows:

23 (a) Class B violent felony offenses: an attempt to commit the class
24 A-I felonies of murder in the second degree as defined in section
25 125.25, kidnapping in the first degree as defined in section 135.25, and
26 arson in the first degree as defined in section 150.20; manslaughter in
27 the first degree as defined in section 125.20, aggravated manslaughter
28 in the first degree as defined in section 125.22, rape in the first

1 degree as defined in section 130.35, criminal sexual act in the first
2 degree as defined in section 130.50, aggravated sexual abuse in the
3 first degree as defined in section 130.70, course of sexual conduct
4 against a child in the first degree as defined in section 130.75;
5 assault in the first degree as defined in section 120.10, kidnapping in
6 the second degree as defined in section 135.20, burglary in the first
7 degree as defined in section 140.30, arson in the second degree as
8 defined in section 150.15, robbery in the first degree as defined in
9 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of
10 subdivision five of section 230.34, sex trafficking of a child as
11 defined in section 230.34-a, incest in the first degree as defined in
12 section 255.27, criminal possession of a weapon in the first degree as
13 defined in section 265.04, criminal use of a firearm in the first degree
14 as defined in section 265.09, criminal sale of a firearm in the first
15 degree as defined in section 265.13, aggravated assault upon a police
16 officer or a peace officer as defined in section 120.11, gang assault in
17 the first degree as defined in section 120.07, intimidating a victim or
18 witness in the first degree as defined in section 215.17, hindering
19 prosecution of terrorism in the first degree as defined in section
20 490.35, criminal possession of a chemical weapon or biological weapon in
21 the second degree as defined in section 490.40, and criminal use of a
22 chemical weapon or biological weapon in the third degree as defined in
23 section 490.47.

24 § 4. Paragraph (a) of subdivision 1 of section 460.10 of the penal
25 law, as amended by chapter 368 of the laws of 2015, is amended to read
26 as follows:

27 (a) Any of the felonies set forth in this chapter: sections 120.05,
28 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-

1 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
2 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
3 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to
4 labor trafficking; section 135.65 relating to coercion; sections 140.20,
5 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and
6 145.12 relating to criminal mischief; article one hundred fifty relating
7 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
8 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
9 care fraud; article one hundred sixty relating to robbery; sections
10 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
11 stolen property; sections 165.72 and 165.73 relating to trademark coun-
12 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
13 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
14 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
15 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
16 to criminal diversion of prescription medications and prescriptions;
17 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
18 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,
19 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25
20 relating to residential mortgage fraud, sections 190.40 and 190.42
21 relating to criminal usury; section 190.65 relating to schemes to
22 defraud; any felony defined in article four hundred ninety-six; sections
23 205.60 and 205.65 relating to hindering prosecution; sections 210.10,
24 210.15, and 215.51 relating to perjury and contempt; section 215.40
25 relating to tampering with physical evidence; sections 220.06, 220.09,
26 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46,
27 220.55, 220.60, 220.65 and 220.77 relating to controlled substances;
28 sections 225.10 and 225.20 relating to gambling; sections 230.25,

1 230.30, and 230.32 relating to promoting prostitution; section 230.34
2 relating to sex trafficking; section 230.34-a relating to sex traffick-
3 ing of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to
4 obscenity; sections 263.10 and 263.15 relating to promoting a sexual
5 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,
6 265.13 and the provisions of section 265.10 which constitute a felony
7 relating to firearms and other dangerous weapons; sections 265.14 and
8 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,
9 275.30, or 275.40 relating to unauthorized recordings; and sections
10 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

11 § 5. Subdivision 2 of section 130.91 of the penal law, as amended by
12 chapter 405 of the laws of 2010, is amended to read as follows:

13 2. A "specified offense" is a felony offense defined by any of the
14 following provisions of this chapter: assault in the second degree as
15 defined in section 120.05, assault in the first degree as defined in
16 section 120.10, gang assault in the second degree as defined in section
17 120.06, gang assault in the first degree as defined in section 120.07,
18 stalking in the first degree as defined in section 120.60, strangulation
19 in the second degree as defined in section 121.12, strangulation in the
20 first degree as defined in section 121.13, manslaughter in the second
21 degree as defined in subdivision one of section 125.15, manslaughter in
22 the first degree as defined in section 125.20, murder in the second
23 degree as defined in section 125.25, aggravated murder as defined in
24 section 125.26, murder in the first degree as defined in section 125.27,
25 kidnapping in the second degree as defined in section 135.20, kidnapping
26 in the first degree as defined in section 135.25, burglary in the third
27 degree as defined in section 140.20, burglary in the second degree as
28 defined in section 140.25, burglary in the first degree as defined in

1 section 140.30, arson in the second degree as defined in section 150.15,
2 arson in the first degree as defined in section 150.20, robbery in the
3 third degree as defined in section 160.05, robbery in the second degree
4 as defined in section 160.10, robbery in the first degree as defined in
5 section 160.15, promoting prostitution in the second degree as defined
6 in section 230.30, promoting prostitution in the first degree as defined
7 in section 230.32, [compelling prostitution as defined in section
8 230.33,] sex trafficking of a child as defined in section 230.34-a,
9 disseminating indecent material to minors in the first degree as defined
10 in section 235.22, use of a child in a sexual performance as defined in
11 section 263.05, promoting an obscene sexual performance by a child as
12 defined in section 263.10, promoting a sexual performance by a child as
13 defined in section 263.15, or any felony attempt or conspiracy to commit
14 any of the foregoing offenses.

15 § 6. Subdivision 1 of section 120.70 of the penal law, as added by
16 chapter 405 of the laws of 2008, is amended to read as follows:

17 1. A person is guilty of luring a child when he or she lures a child
18 into a motor vehicle, aircraft, watercraft, isolated area, building, or
19 part thereof, for the purpose of committing against such child any of
20 the following offenses: an offense as defined in section 70.02 of this
21 chapter; an offense as defined in section 125.25 or 125.27 of this chap-
22 ter; a felony offense that is a violation of article one hundred thirty
23 of this chapter; an offense as defined in section 135.25 of this chap-
24 ter; an offense as defined in sections 230.30, [230.33 or] 230.34 or
25 230.34-a of this chapter; an offense as defined in sections 255.25,
26 255.26, or 255.27 of this chapter; or an offense as defined in sections
27 263.05, 263.10, or 263.15 of this chapter. For purposes of this subdivi-
28 sion "child" means a person less than seventeen years of age. Nothing in

1 this section shall be deemed to preclude, if the evidence warrants, a
2 conviction for the commission or attempted commission of any crime,
3 including but not limited to a crime defined in article one hundred
4 thirty-five of this chapter.

5 § 7. Section 230.01 of the penal law, as added by chapter 368 of the
6 laws of 2015, is amended to read as follows:

7 § 230.01 Prostitution; affirmative defense.

8 In any prosecution under section 230.00, section 230.03 or subdivision
9 two of section 240.37 of this part, it is an affirmative defense that
10 the defendant's participation in the offense was a result of having been
11 [a victim of compelling prostitution under section 230.33,] a victim of
12 sex trafficking under section 230.34 of this article, a victim of sex
13 trafficking of a child under section 230.34-a of this article or a
14 victim of trafficking in persons under the trafficking victims
15 protection act (United States Code, Title 22, Chapter 78).

16 § 8. Subparagraph (i) of paragraph (a) of subdivision 2 of section
17 168-a of the correction law, as amended by chapter 368 of the laws of
18 2015, is amended to read as follows:

19 (i) a conviction of or a conviction for an attempt to commit any of
20 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
21 130.45, 130.60, 230.34, 230.34-a, 250.50, 255.25, 255.26 and 255.27 or
22 article two hundred sixty-three of the penal law, or section 135.05,
23 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,
24 provided the victim of such kidnapping or related offense is less than
25 seventeen years old and the offender is not the parent of the victim, or
26 section 230.04, where the person patronized is in fact less than seven-
27 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision
28 two of section 230.30, section 230.32[, 230.33,] or 230.34 of the penal

1 law, or section 230.25 of the penal law where the person prostituted is
2 in fact less than seventeen years old, or

3 § 9. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
4 procedure law, as amended by chapter 368 of the laws of 2015, is amended
5 to read as follows:

6 (b) Any of the following felonies: assault in the second degree as
7 defined in section 120.05 of the penal law, assault in the first degree
8 as defined in section 120.10 of the penal law, reckless endangerment in
9 the first degree as defined in section 120.25 of the penal law, promot-
10 ing a suicide attempt as defined in section 120.30 of the penal law,
11 strangulation in the second degree as defined in section 121.12 of the
12 penal law, strangulation in the first degree as defined in section
13 121.13 of the penal law, criminally negligent homicide as defined in
14 section 125.10 of the penal law, manslaughter in the second degree as
15 defined in section 125.15 of the penal law, manslaughter in the first
16 degree as defined in section 125.20 of the penal law, murder in the
17 second degree as defined in section 125.25 of the penal law, murder in
18 the first degree as defined in section 125.27 of the penal law, abortion
19 in the second degree as defined in section 125.40 of the penal law,
20 abortion in the first degree as defined in section 125.45 of the penal
21 law, rape in the third degree as defined in section 130.25 of the penal
22 law, rape in the second degree as defined in section 130.30 of the penal
23 law, rape in the first degree as defined in section 130.35 of the penal
24 law, criminal sexual act in the third degree as defined in section
25 130.40 of the penal law, criminal sexual act in the second degree as
26 defined in section 130.45 of the penal law, criminal sexual act in the
27 first degree as defined in section 130.50 of the penal law, sexual abuse
28 in the first degree as defined in section 130.65 of the penal law,

1 unlawful imprisonment in the first degree as defined in section 135.10
2 of the penal law, kidnapping in the second degree as defined in section
3 135.20 of the penal law, kidnapping in the first degree as defined in
4 section 135.25 of the penal law, labor trafficking as defined in section
5 135.35 of the penal law, aggravated labor trafficking as defined in
6 section 135.37 of the penal law, custodial interference in the first
7 degree as defined in section 135.50 of the penal law, coercion in the
8 first degree as defined in section 135.65 of the penal law, criminal
9 trespass in the first degree as defined in section 140.17 of the penal
10 law, burglary in the third degree as defined in section 140.20 of the
11 penal law, burglary in the second degree as defined in section 140.25 of
12 the penal law, burglary in the first degree as defined in section 140.30
13 of the penal law, criminal mischief in the third degree as defined in
14 section 145.05 of the penal law, criminal mischief in the second degree
15 as defined in section 145.10 of the penal law, criminal mischief in the
16 first degree as defined in section 145.12 of the penal law, criminal
17 tampering in the first degree as defined in section 145.20 of the penal
18 law, arson in the fourth degree as defined in section 150.05 of the
19 penal law, arson in the third degree as defined in section 150.10 of the
20 penal law, arson in the second degree as defined in section 150.15 of
21 the penal law, arson in the first degree as defined in section 150.20 of
22 the penal law, grand larceny in the fourth degree as defined in section
23 155.30 of the penal law, grand larceny in the third degree as defined in
24 section 155.35 of the penal law, grand larceny in the second degree as
25 defined in section 155.40 of the penal law, grand larceny in the first
26 degree as defined in section 155.42 of the penal law, health care fraud
27 in the fourth degree as defined in section 177.10 of the penal law,
28 health care fraud in the third degree as defined in section 177.15 of

1 the penal law, health care fraud in the second degree as defined in
2 section 177.20 of the penal law, health care fraud in the first degree
3 as defined in section 177.25 of the penal law, robbery in the third
4 degree as defined in section 160.05 of the penal law, robbery in the
5 second degree as defined in section 160.10 of the penal law, robbery in
6 the first degree as defined in section 160.15 of the penal law, unlawful
7 use of secret scientific material as defined in section 165.07 of the
8 penal law, criminal possession of stolen property in the fourth degree
9 as defined in section 165.45 of the penal law, criminal possession of
10 stolen property in the third degree as defined in section 165.50 of the
11 penal law, criminal possession of stolen property in the second degree
12 as defined by section 165.52 of the penal law, criminal possession of
13 stolen property in the first degree as defined by section 165.54 of the
14 penal law, trademark counterfeiting in the second degree as defined in
15 section 165.72 of the penal law, trademark counterfeiting in the first
16 degree as defined in section 165.73 of the penal law, forgery in the
17 second degree as defined in section 170.10 of the penal law, forgery in
18 the first degree as defined in section 170.15 of the penal law, criminal
19 possession of a forged instrument in the second degree as defined in
20 section 170.25 of the penal law, criminal possession of a forged instru-
21 ment in the first degree as defined in section 170.30 of the penal law,
22 criminal possession of forgery devices as defined in section 170.40 of
23 the penal law, falsifying business records in the first degree as
24 defined in section 175.10 of the penal law, tampering with public
25 records in the first degree as defined in section 175.25 of the penal
26 law, offering a false instrument for filing in the first degree as
27 defined in section 175.35 of the penal law, issuing a false certificate
28 as defined in section 175.40 of the penal law, criminal diversion of

1 prescription medications and prescriptions in the second degree as
2 defined in section 178.20 of the penal law, criminal diversion of
3 prescription medications and prescriptions in the first degree as
4 defined in section 178.25 of the penal law, residential mortgage fraud
5 in the fourth degree as defined in section 187.10 of the penal law,
6 residential mortgage fraud in the third degree as defined in section
7 187.15 of the penal law, residential mortgage fraud in the second degree
8 as defined in section 187.20 of the penal law, residential mortgage
9 fraud in the first degree as defined in section 187.25 of the penal law,
10 escape in the second degree as defined in section 205.10 of the penal
11 law, escape in the first degree as defined in section 205.15 of the
12 penal law, absconding from temporary release in the first degree as
13 defined in section 205.17 of the penal law, promoting prison contraband
14 in the first degree as defined in section 205.25 of the penal law,
15 hindering prosecution in the second degree as defined in section 205.60
16 of the penal law, hindering prosecution in the first degree as defined
17 in section 205.65 of the penal law, sex trafficking as defined in
18 section 230.34 of the penal law, sex trafficking of a child as defined
19 in section 230.34-a of the penal law, criminal possession of a weapon in
20 the third degree as defined in subdivisions two, three and five of
21 section 265.02 of the penal law, criminal possession of a weapon in the
22 second degree as defined in section 265.03 of the penal law, criminal
23 possession of a weapon in the first degree as defined in section 265.04
24 of the penal law, manufacture, transport, disposition and defacement of
25 weapons and dangerous instruments and appliances defined as felonies in
26 subdivisions one, two, and three of section 265.10 of the penal law,
27 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
28 of weapons as defined in subdivision two of section 265.35 of the penal

1 law, relating to firearms and other dangerous weapons, or failure to
2 disclose the origin of a recording in the first degree as defined in
3 section 275.40 of the penal law;

4 § 10. Paragraph (i) of subdivision 1 of section 440.10 of the criminal
5 procedure law, as amended by chapter 368 of the laws of 2015, is amended
6 to read as follows:

7 (i) The judgment is a conviction where the arresting charge was under
8 section 240.37 (loitering for the purpose of engaging in a prostitution
9 offense, provided that the defendant was not alleged to be loitering for
10 the purpose of patronizing a person for prostitution or promoting pros-
11 titution) or 230.00 (prostitution) or 230.03 (prostitution in a school
12 zone) of the penal law, and the defendant's participation in the offense
13 was a result of having been a victim of sex trafficking under section
14 230.34 of the penal law, sex trafficking of a child under section
15 230.34-a of the penal law, labor trafficking under section 135.35 of the
16 penal law, aggravated labor trafficking under section 135.37 of the
17 penal law, [compelling prostitution under section 230.33 of the penal
18 law,] or trafficking in persons under the Trafficking Victims Protection
19 Act (United States Code, title 22, chapter 78); provided that

20 § 11. Subdivision 2 of section 420.35 of the criminal procedure law,
21 as amended by chapter 426 of the laws of 2015, is amended to read as
22 follows:

23 2. Under no circumstances shall the mandatory surcharge, sex offender
24 registration fee, DNA databank fee or the crime victim assistance fee be
25 waived provided, however, that a court may waive the crime victim
26 assistance fee if such defendant is an eligible youth as defined in
27 subdivision two of section 720.10 of this chapter, and the imposition of
28 such fee would work an unreasonable hardship on the defendant, his or

1 her immediate family, or any other person who is dependent on such
2 defendant for financial support. A court shall waive any mandatory
3 surcharge, DNA databank fee and crime victim assistance fee when: (i)
4 the defendant is convicted of loitering for the purpose of engaging in
5 prostitution under section 240.37 of the penal law (provided that the
6 defendant was not convicted of loitering for the purpose of patronizing
7 a person for prostitution); (ii) the defendant is convicted of prostitu-
8 tion under section 230.00 of the penal law; (iii) the defendant is
9 convicted of a violation in the event such conviction is in lieu of a
10 plea to or conviction for loitering for the purpose of engaging in pros-
11 titution under section 240.37 of the penal law (provided that the
12 defendant was not alleged to be loitering for the purpose of patronizing
13 a person for prostitution) or prostitution under section 230.00 of the
14 penal law; or (iv) the court finds that a defendant is a victim of sex
15 trafficking under section 230.34 of the penal law or a victim of traf-
16 ficking in persons under the trafficking victims protection act (United
17 States Code, Title 22, Chapter 78); or (v) the court finds that the
18 defendant is a victim of sex trafficking of a child under section
19 230.34-a of the penal law.

20 § 12. Subdivision 1 of section 447-a of the social services law, as
21 amended by section 1 of part G of chapter 58 of the laws of 2010, is
22 amended to read as follows:

23 1. The term "sexually exploited child" means any person under the age
24 of eighteen who has been subject to sexual exploitation because he or
25 she:

26 (a) is the victim of the crime of sex trafficking as defined in
27 section 230.34 of the penal law or the crime of sex trafficking of a
28 child as defined in section 230.34-a of the penal law;

1 (b) engages in any act as defined in section 230.00 of the penal law;
2 (c) [is a victim of the crime of compelling prostitution as defined in
3 section 230.33 of the penal law;
4 (d)] engages in acts or conduct described in article two hundred
5 sixty-three or section 240.37 of the penal law.

6 § 13. Subdivision (c) of section 483-bb of the social services law, as
7 added by chapter 368 of the laws of 2015, is amended to read as follows:

8 (c) An individual who is a victim of the conduct prohibited by section
9 [230.33,] 230.34, 230.34-a, 135.35 or 135.37 of the penal law may bring
10 a civil action against the perpetrator or whoever knowingly advances or
11 profits from, or whoever should have known he or she was advancing or
12 profiting from, an act in violation of section [230.33,] 230.34,
13 230.34-a, 135.35 or 135.37 of the penal law to recover damages and
14 reasonable attorney's fees.

15 § 14. Paragraph (a) of subdivision 4 of section 509-cc of the vehicle
16 and traffic law, as amended by chapter 400 of the laws of 2011, is
17 amended to read as follows:

18 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of
19 subdivision one and paragraph (a) of subdivision two of this section
20 that result in permanent disqualification shall include a conviction
21 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,
22 125.25, 125.26, 125.27, 130.30, 130.35, 130.45, 130.50, 130.65, 130.66,
23 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25, 150.20,
24 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10, 263.11,
25 263.15, 263.16 of the penal law or an attempt to commit any of the afor-
26 esaid offenses under section 110.00 of the penal law, or any offenses
27 committed under a former section of the penal law which would constitute
28 violations of the aforesaid sections of the penal law, or any offenses

1 committed outside this state which would constitute violations of the
2 aforesaid sections of the penal law.

3 § 15. Subdivisions 1 and 2 of section 510-d of the vehicle and traffic
4 law, as added by chapter 368 of the laws of 2015, are amended to read as
5 follows:

6 1. A class E driver's license shall be suspended by the commissioner
7 for a period of one year where the holder is convicted of a violation of
8 section 230.20, 230.25, 230.30, 230.32, 230.34, 230.34-a or 230.40 of
9 the penal law and the holder used a for hire motor vehicle to commit
10 such crime.

11 2. A class E driver's license may be revoked by the commissioner when
12 the holder, who had his or her driver's license suspended under subdivi-
13 sion one of this section within the last ten years, is convicted of a
14 second violation of section 230.20, 230.25, 230.30, 230.32, 230.34,
15 230.34-a or 230.40 of the penal law and the holder used a for hire motor
16 vehicle to commit such crime.

17 § 16. Subdivision a of section 3-118 of the administrative code of the
18 city of New York, as added by local law number 39 of the city of New
19 York for the year 2016, is amended to read as follows:

20 a. For the purposes of this section, the following terms have the
21 following meanings:

22 Homeless youth. The term "homeless youth" means persons under the age
23 of 21 who are in need of services and are without a place of shelter
24 where supervision and care are available.

25 Runaway youth. The term "runaway youth" means persons under the age of
26 18 years who are absent from their legal residence without the consent
27 of their parent, legal guardian or custodian.

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 section 230.00 of the penal law; (c) [are a victim of the
6 crime of compelling prostitution as defined in section 230.33 of the
7 penal law] are a victim of the crime of sex trafficking of a child as
8 defined in section 230.34-a of the penal law; or (d) engage in acts or
9 conduct described in article 263 or section 240.37 of the penal law. The
10 term shall also mean persons under the age of 18 who have been subject
11 to incest in the third degree, second degree or first degree, as defined
12 in sections 255.25, 255.26, and 255.27 of the penal law, respectively,
13 or any of the sex offenses enumerated in article 130 of the penal law.

14 § 17. Subparagraph i of paragraph 7 of subdivision a of section 9-131
15 of the administrative code of the city of New York, as added by local
16 law number 58 of the city of New York for the year 2014, is amended to
17 read as follows:

18 i. a felony defined in any of the following sections of the penal law:
19 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,
20 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,
21 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,
22 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,
23 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,
24 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,
25 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),
26 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,
27 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,
28 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,

1 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,
2 230.32, [230.33,] 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,
3 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,
4 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,
5 265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10,
6 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2),
7 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23,
8 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40,
9 490.45, 490.47, 490.50, or 490.55;

10 § 18. Subparagraph i of paragraph 6 of subdivision a of section 14-154
11 of the administrative code of the city of New York, as added by local
12 law number 59 of the city of New York for the year 2014, is amended to
13 read as follows:

14 i. a felony defined in any of the following sections of the penal law:
15 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07,
16 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55,
17 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14,
18 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45,
19 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65,
20 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90,
21 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b),
22 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05,
23 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15,
24 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43,
25 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30,
26 230.32, [230.33,] 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60,
27 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32,
28 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,

1 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09,
2 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19,
3 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22,
4 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37,
5 490.40, 490.45, 490.47, 490.50, or 490.55;

6 § 19. Paragraph (iii) of subdivision (e) of section 1012 of the family
7 court act, as amended by section 1 of part L of chapter 56 of the laws
8 of 2017, is amended to read as follows:

9 (iii) (A) commits, or allows to be committed an offense against such
10 child defined in article one hundred thirty of the penal law; (B)
11 allows, permits or encourages such child to engage in any act described
12 in sections 230.25, 230.30 [and], 230.32 and 230.34-a of the penal law;
13 (C) commits any of the acts described in sections 255.25, 255.26 and
14 255.27 of the penal law; (D) allows such child to engage in acts or
15 conduct described in article two hundred sixty-three of the penal law;
16 or (E) permits or encourages such child to engage in any act or commits
17 or allows to be committed against such child any offense that would
18 render such child either a victim of sex trafficking or a victim of
19 severe forms of trafficking in persons pursuant to 22 U.S.C. 7102 as
20 enacted by public law 106-386 or any successor federal statute; (F)
21 provided, however, that (1) the corroboration requirements contained in
22 the penal law and (2) the age requirement for the application of article
23 two hundred sixty-three of such law shall not apply to proceedings under
24 this article.

25 § 20. Subdivision (f) of section 10.03 of the mental hygiene law, as
26 amended by chapter 405 of the laws of 2010, is amended to read as
27 follows:

1 (f) "Designated felony" means any felony offense defined by any of the
2 following provisions of the penal law: assault in the second degree as
3 defined in section 120.05, assault in the first degree as defined in
4 section 120.10, gang assault in the second degree as defined in section
5 120.06, gang assault in the first degree as defined in section 120.07,
6 stalking in the first degree as defined in section 120.60, strangulation
7 in the second degree as defined in section 121.12, strangulation in the
8 first degree as defined in section 121.13, manslaughter in the second
9 degree as defined in subdivision one of section 125.15, manslaughter in
10 the first degree as defined in section 125.20, murder in the second
11 degree as defined in section 125.25, aggravated murder as defined in
12 section 125.26, murder in the first degree as defined in section 125.27,
13 kidnapping in the second degree as defined in section 135.20, kidnapping
14 in the first degree as defined in section 135.25, burglary in the third
15 degree as defined in section 140.20, burglary in the second degree as
16 defined in section 140.25, burglary in the first degree as defined in
17 section 140.30, arson in the second degree as defined in section 150.15,
18 arson in the first degree as defined in section 150.20, robbery in the
19 third degree as defined in section 160.05, robbery in the second degree
20 as defined in section 160.10, robbery in the first degree as defined in
21 section 160.15, promoting prostitution in the second degree as defined
22 in section 230.30, promoting prostitution in the first degree as defined
23 in section 230.32, [compelling prostitution as defined in section
24 230.33,] sex trafficking of a child as defined in section 230.34-a,
25 disseminating indecent material to minors in the first degree as defined
26 in section 235.22, use of a child in a sexual performance as defined in
27 section 263.05, promoting an obscene sexual performance by a child as
28 defined in section 263.10, promoting a sexual performance by a child as

1 defined in section 263.15, or any felony attempt or conspiracy to commit
2 any of the foregoing offenses.

3 § 21. Section 2324-a of the public health law, as amended by chapter
4 368 of the laws of 2015, is amended to read as follows:

5 § 2324-a. Presumptive evidence. For the purposes of this title, two or
6 more convictions of any person or persons had, within a period of one
7 year, for any of the offenses described in section 230.00, 230.05,
8 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30 [or]
9 230.32 or 230.34-a of the penal law arising out of conduct engaged in at
10 the same real property consisting of a dwelling as that term is defined
11 in subdivision four of section four of the multiple dwelling law shall
12 be presumptive evidence of conduct constituting use of the premises for
13 purposes of prostitution.

14 § 22. Subdivision 5 of section 621 of the executive law, as amended by
15 section 1 of part H of chapter 55 of the laws of 2017, is amended to
16 read as follows:

17 5. "Victim" shall mean (a) a person who suffers personal physical
18 injury as a direct result of a crime; (b) a person who is the victim of
19 either the crime of (1) unlawful imprisonment in the first degree as
20 defined in section 135.10 of the penal law, (2) kidnapping in the second
21 degree as defined in section 135.20 of the penal law, (3) kidnapping in
22 the first degree as defined in section 135.25 of the penal law, (4)
23 menacing in the first degree as defined in section 120.13 of the penal
24 law, (5) criminal obstruction of breathing or blood circulation as
25 defined in section 121.11 of the penal law, (6) harassment in the second
26 degree as defined in section 240.26 of the penal law, (7) harassment in
27 the first degree as defined in section 240.25 of the penal law, (8)
28 aggravated harassment in the second degree as defined in subdivision

1 three or five of section 240.30 of the penal law, (9) aggravated harass-
2 ment in the first degree as defined in subdivision two of section 240.31
3 of the penal law, (10) criminal contempt in the first degree as defined
4 in subdivision (b) or subdivision (c) of section 215.51 of the penal
5 law, (11) stalking in the fourth, third, second or first degree as
6 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,
7 (12) labor trafficking as defined in section 135.35 of the penal law,
8 [or] (13) sex trafficking as defined in section 230.34 of the penal law;
9 or (14) sex trafficking of a child as defined in section 230.34-a of the
10 penal law; a vulnerable elderly person or an incompetent or physically
11 disabled person as defined in section 260.31 of the penal law who incurs
12 a loss of savings as defined in subdivision twenty-four of this section;
13 or a person who has had a frivolous lawsuit filed against them.

14 § 23. Subdivision 1 of section 631 of the executive law, as amended by
15 section 22 of part A-1 of chapter 56 of the laws of 2010, is amended to
16 read as follows:

17 1. No award shall be made unless the office finds that (a) a crime was
18 committed, (b) such crime directly resulted in personal physical injury
19 to or the exacerbation of a preexisting disability, or condition, or
20 death of, the victim, and (c) criminal justice agency records show that
21 such crime was promptly reported to the proper authorities; and in no
22 case may an award be made where the criminal justice agency records show
23 that such report was made more than one week after the occurrence of
24 such crime unless the office, for good cause shown, finds the delay to
25 have been justified; provided, however, in cases involving an alleged
26 sex offense as contained in article one hundred thirty of the penal law
27 or incest as defined in section 255.25, 255.26 or 255.27 of the penal
28 law or labor trafficking as defined in section 135.35 of the penal law

1 or sex trafficking as defined in [section] sections 230.34 and 230.34-a
2 of the penal law or an offense chargeable as a family offense as
3 described in section eight hundred twelve of the family court act or
4 section 530.11 of the criminal procedure law, the criminal justice agen-
5 cy report need only be made within a reasonable time considering all the
6 circumstances, including the victim's physical, emotional and mental
7 condition and family situation. For the purposes of this subdivision,
8 "criminal justice agency" shall include, but not be limited to, a police
9 department, a district attorney's office, and any other governmental
10 agency having responsibility for the enforcement of the criminal laws of
11 the state provided, however, that in cases involving such sex offense a
12 criminal justice agency shall also mean a family court, a governmental
13 agency responsible for child and/or adult protective services pursuant
14 to title six of article six of the social services law and/or title one
15 of article nine-B of the social services law, and any medical facility
16 established under the laws of the state that provides a forensic phys-
17 ical examination for victims of rape and sexual assault.

18 § 24. Paragraph f of subdivision 1 of section 410 of the general busi-
19 ness law, as amended by chapter 80 of the laws of 2015, is amended to
20 read as follows:

21 f. Conviction of any of the following crimes subsequent to the issu-
22 ance of a license or registration pursuant to this article: fraud pursu-
23 ant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and
24 190.65; falsifying business records pursuant to section 175.10; grand
25 larceny pursuant to article 155; bribery pursuant to sections 180.03,
26 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12,
27 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40;
28 assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery

1 pursuant to article 160; homicide pursuant to sections 125.25 and
2 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping
3 and unlawful imprisonment pursuant to sections 135.10, 135.20 and
4 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03
5 and 265.04; criminal use of a weapon pursuant to sections 265.08 and
6 265.09; criminal sale of a weapon pursuant to sections 265.11 and
7 265.12; [compelling prostitution pursuant to section 230.33;] sex traf-
8 ficking pursuant to section 230.34; sex trafficking of a child pursuant
9 to section 230.34-a; and sex offenses pursuant to article 130 of the
10 penal law. Provided, however, that for the purposes of this article,
11 none of the following shall be considered criminal convictions or
12 reported as such: (i) a conviction for which an executive pardon has
13 been issued pursuant to the executive law; (ii) a conviction which has
14 been vacated and replaced by a youthful offender finding pursuant to
15 article seven hundred twenty of the criminal procedure law, or the
16 applicable provisions of law of any other jurisdiction; or (iii) a
17 conviction the records of which have been expunged or sealed pursuant to
18 the applicable provisions of the laws of this state or of any other
19 jurisdiction; and (iv) a conviction for which other evidence of success-
20 ful rehabilitation to remove the disability has been issued.

21 § 25. This act shall take effect on the sixtieth day after it shall
22 have become a law.