

SEX TRAFFICKING
Penal Law § 230.34(2)
(Committed on or after Nov. 1, 2007)

The (specify) count is Sex Trafficking.

Under our law, a person is guilty of sex trafficking if he or she intentionally advances or profits from prostitution by making material false statements, misstatements, or omissions to induce or maintain the person being patronized to engage in or continue to engage in prostitution activity.

The following terms used in that definition have a special meaning:

PROSTITUTION means the act or practice of engaging, or agreeing or offering to engage in sexual conduct with another person in return for a fee.¹

A person ADVANCES PROSTITUTION when, acting other than as a prostitute or as a patron thereof, he or she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.²

A person PROFITS FROM PROSTITUTION when, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity.³

¹ Penal Law § 230.00

² Penal Law § 230.15(1).

³ Penal Law § 230.15(2).

PERSON BEING PATRONIZED includes the person who was solicited or requested to engage in sexual conduct.⁴

INTENT means conscious objective or purpose. Thus, a person INTENTIONALLY advances or profits from prostitution when it is his or her conscious objective or purpose is to do so.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), advanced or profited from prostitution;
2. That the defendant did so by making material false statements, misstatements, or omissions to induce or maintain the person being patronized, namely (specify), to engage in or continue to engage in prostitution activity; and
3. That the defendant did so intentionally.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

⁴ The term “person who is patronized” is defined in Penal Law § 230.02. That section is entitled as “patronizing a prostitute; definitions” and was initially written for the patronizing a prostitute crimes. To what extent that definition would apply to this crime remains to be determined. A portion of that definition is incorporated here.