

COMPELLING PROSTITUTION
(B Felony)
PENAL LAW 230.33
(Committed on or after November 1, 2006)

The _____ count is Compelling Prostitution.

Under our law, a person is guilty of Compelling Prostitution when, being twenty-one (21) years of age or older, he or she knowingly advances prostitution by compelling a person less than sixteen (16) years old, by force or intimidation, to engage in prostitution.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "prostitution," "advances prostitution," and "knowingly."

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 KNOWINGLY advances prostitution when that

¹ Penal Law § 230.00.

² Penal Law § 230.15(1).

person is aware that he or she is doing so.³

It is not a defense to this charge that the actor did not know that the child was less than sixteen (16) years old, or that the actor believed that such person was sixteen (16) years old or more on the date of the crime.⁴

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 four elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), advanced prostitution by compelling (child's name), by force or intimidation, to engage in prostitution;
2. That the defendant did so knowingly;
3. That (child's name) was less than sixteen (16) years old; and
4. That the defendant was 21 years of age or older.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Compelling Prostitution as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or more of those elements, you must find the defendant not guilty of the crime of

³ See Penal Law § 15.05(2). An expanded definition of “knowingly,” is set forth in the General charges in the “Culpable Mental States” section.

⁴ Penal Law §15.20 (3).

Compelling Prostitution as charged in the _____ count.