

**PROMOTING PROSTITUTION
FOURTH DEGREE
(A misdemeanor)
(Advance or Profit)
PENAL LAW 230.20
(Committed on or after Sept. 1, 1978)**

The _____ count is (*specify*).

Under our law, a person is guilty of Promoting Prostitution in the Fourth Degree when that person knowingly advances or profits from 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," "profits from 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 PROFITS FROM PROSTITUTION when, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or

¹ Penal Law § 230.00.

² Penal Law § 230.15(1).

understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.³

A person KNOWINGLY advances or profits from prostitution when that person is aware that he or she is advancing or profiting from prostitution.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 two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), advanced or profited from prostitution; and
2. That the defendant did so knowingly.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Promoting Prostitution in the Fourth Degree 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 both of those elements, you must find the defendant not guilty of the crime of Promoting Prostitution in the Fourth Degree as charged in the _____ count.

³ Penal Law § 230.15(2).

⁴ See Penal Law § 15.05(2). An expanded definition of “knowingly,” is set forth in the General charges in the “Culpable Mental States” section.