

**COMPELLING PROSTITUTION**  
**Penal Law § 230.33**  
**(Committed on or after January 19, 2016)<sup>1</sup>**

The (*specify*) count is Compelling Prostitution.

Under our law, a person is guilty of Compelling Prostitution when, being eighteen years old or older, he or she knowingly advances prostitution by compelling a person less than eighteen years old, by force or intimidation, to engage in prostitution.

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.<sup>2</sup>

A person "ADVANCES PROSTITUTION" when, acting other than as a person in prostitution 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

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<sup>1</sup> Effective January 19, 2016 by Laws of 2015, chapter 368, the statute was amended to make the defendant's age "eighteen years old or more" instead of "twenty-one years of age or older"; and make the age of the person compelled to be less than eighteen instead of less than sixteen. The definition of "advances prostitution" was also amended. See footnote 3. For the commission of this crime on or after November 1, 2005 and before January 19, 2016, this charge may be used provided the prior statutory language is substituted.

<sup>2</sup> Penal Law § 230.00.

enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.<sup>3</sup>

A person KNOWINGLY advances prostitution when that person is aware that he or she is doing so.<sup>4</sup>

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.<sup>5</sup>

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.

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<sup>3</sup> Penal Law § 230.15 (1). Effective January 19, 2016, the definition of “advances prostitution” was amended to substitute the terminology: “when, acting other than as a person in prostitution” for the terminology “when acting other than as a prostitute.” For the commission of this crime on or after November 1, 2005 and before January 19, 2016, this charge may be used provided the term “prostitute” is substituted for the term “person for prostitution” in the definition of “advances prostitution.”

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

<sup>5</sup> Penal Law § 15.20 (3).

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.