

**PERMITTING PROSTITUTION**  
**(B misdemeanor)**  
**(Possession of Premises)**  
**PENAL LAW 230.40**  
**(Committed on or after Sept. 1, 1967)**

The \_\_\_\_\_ count is Permitting Prostitution.

Under our law, a person is guilty of Permitting Prostitution when, having possession or control of premises which that person knows are being used for prostitution purposes, he or she fails to make reasonable effort to halt or abate such use.

The term, "prostitution," used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

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>1</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 three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), had possession or control of (specify);
2. That the defendant knew that (specify) was being used for prostitution purposes; and
3. That the defendant failed to make reasonable effort to halt or abate such use.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the

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<sup>1</sup> Penal Law § 230.00.

defendant guilty of the crime of Permitting Prostitution as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Permitting Prostitution as charged in the \_\_\_\_\_ count.