

PROMOTING PROSTITUTION IN THE FIRST DEGREE
(Defendant 21 or more; Person less than 15)
Penal Law § 230.32 (2)
(Committed on or after Jan. 19, 2016)

The (*specify*) count is Promoting Prostitution in the First Degree.

Under our law, a person is guilty of Promoting Prostitution in the First Degree when he or she, being twenty-one years old or more, he or she knowingly advances or profits from prostitution of a person less than fifteen years old.

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 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 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 person in prostitution receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or

¹ Penal Law § 230.00.

² Penal Law 230.15 (1).

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

It is not a defense to this charge that the actor did not know the age of the person whose prostitution the actor advanced or profited from, or that the actor believed the age of such person to be fifteen years old or more.⁵

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 or profited from prostitution of another person;
2. That the defendant did so knowingly;
3. That the defendant was twenty-one years old or more; and
4. That the person, whose prostitution the defendant advanced or profited from, was less than fifteen years old.

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

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.

⁵ See Penal Law §15.20 (3); *People v Coleman*, 74 NY2d 381 (1989).

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.