

SEX TRAFFICKING
(B Felony)
PENAL LAW 230.34(1)
(Committed on or after Nov. 1, 2007)

The _____ count is Sex Trafficking.

Under our law, a person is guilty of sex trafficking if he or she intentionally advances or profits from prostitution by unlawfully providing to a person who is patronized, with intent to impair said person's judgment

Select appropriate alternative(s):

a narcotic drug or a narcotic preparation;

concentrated cannabis;¹

methadone; [or]

gamma-hydroxybutyrate (GHB)² or flunitrazepan, also known as Rohypnol

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 prosecution," "person who is patronized" ["narcotic drug"], ["narcotic preparation"], "intent" and "intentionally."

PROSTITUTION means the act or practice of engaging, or agreeing or offering to engage in sexual conduct with another.

¹ The statute here refers to concentrated cannabis "as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law."

² If in issue, the applicable definition of "gamma hydroxybutyric acid" is in Public Health Law § 3306(1)(e)(4).

person in return for a fee.³

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.⁴

A person PROFITS FROM PROSTITUTION when, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity.⁵

PERSON WHO IS PATRONIZED includes the person who was solicited or requested to engage in sexual conduct.⁶

The term NARCOTIC [DRUG] [PREPARATION] includes *(specify)*.⁷

³ Penal Law § 230.00

⁴ Penal Law § 230.15(1).

⁵ Penal Law § 230.15(2).

⁶ The term “person who is patronized” is defined in Penal Law § 230.02. That section is entitled as “patronizing a prostitute; definitions” and was initially written for the patronizing a prostitute crimes. To what extent that definition would apply to this crime remains to be determined. A portion of that definition is incorporated here.

⁷ See Penal Law § 220.00(7) (narcotic drug); Penal Law § 220.00(8) (narcotic preparation).

INTENT means conscious objective or purpose. Thus, a person INTENTIONALLY advances or profits from prostitution when it is his or her conscious objective or purpose is to do so. And, a person advances or profits from prostitution with the intent to impair another's judgment when that person's conscious objective or purpose is to do so.⁸

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, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), intentionally advanced or profited from prostitution; and
2. That the defendant did so by unlawfully providing (specify substance) to a person who was patronized, namely, (specify), with intent to impair his/her judgment.

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 Sex Trafficking 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 Sex Trafficking as charged in the _____ count.

⁸ See Penal Law § 15.05(1). An expanded definition of "intent" is available in the General Charges section under Culpable Mental States.