

SEX TRAFFICKING
(B Felony)
PENAL LAW 230.34(3)
(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 withholding, destroying, or confiscating any actual or purported

Select appropriate alternative(s):

passport

immigration document [or]

any [other] actual or purported government identification document

of another person with intent to impair said person's freedom of movement.

Add if placed in issue:

provided however, that this subdivision shall not apply to an attempt to correct a social security administration record or immigration agency record in accordance with any local, state, or federal agency requirement, where such attempt is not made for the purpose of any express or implied threat.

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" "intent" and "intentionally."

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 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.³

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 acts with intent to impair another person's freedom of movement when that person's conscious objective or purpose is to do so.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, both of the following two elements:

1. That on or about (date), in the county of (county),

¹ Penal Law § 230.00.

² Penal Law § 230.15(1).

³ Penal Law § 230.15(2).

⁴ See Penal Law § 15.05(1). An expanded definition of "intent" is available in the General Charges section under Culpable Mental States.

the defendant, (defendant's name), intentionally advanced or profited from prostitution; and

2. That the defendant did so by withholding, destroying, or confiscating any actual or purported

Select appropriate alternative(s):

passport

immigration document [or]

any [other] actual or purported government identification document

of (specify) with intent to impair (specify)'s freedom of movement.

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.