

SEX TRAFFICKING OF A CHILD
Penal Law § 230.34-a
(Committed on or after Nov. 13, 2018)

The (*specify*) count is Sex Trafficking of a Child.

Under our law, a person is guilty of Sex Trafficking of a Child when he or she, being twenty-one years old or more, intentionally advances or profits from prostitution of another person and such person is a child less than eighteen 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, and with intent to cause prostitution, he or she directly engages in conduct that facilitates 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, and with intent to facilitate prostitution, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates in the proceeds of prostitution activity.³

INTENT means conscious objective or purpose. Thus a person INTENTIONALLY advances or profits from prostitution of another person when his or her conscious objective or purpose is

¹ See Penal Law § 230.00.

² Penal Law § 230.34-a

³ Penal Law § 230.34-a

to do so.⁴

Knowledge by the defendant of the age of such child is not an element of this offense. Thus, it is not a defense to this charge that the actor did not know the age of the child, or that the actor believed such age to be eighteen 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 intentionally;
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 eighteen years old.

[NOTE: If an affirmative defense does not apply, then conclude with the following two paragraphs. If the affirmative defense does apply, then omit the following two paragraphs, and insert here the affirmative defense charge set forth in the Additional Charges section of this article.]

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

⁴ See Penal Law § 15.05(1).

⁵ Penal Law § 230.34-a. See also Penal Law § 15.20(3).

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.