

NY CLS Penal § 135.35

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§ 135.35. Labor trafficking

A person is guilty of labor trafficking if he or she compels or induces another to engage in labor or recruits, entices, harbors, or transports such other person by means of intentionally:

1.

requiring that the labor be performed to retire, repay, or service a real or purported debt that the actor has caused by a systematic ongoing course of conduct with intent to defraud such person;

2.withholding, destroying, or confiscating any actual or purported 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; 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;

3.using force or engaging in any scheme, plan or pattern to compel or induce such person to engage in or continue to engage in labor activity by means of instilling a fear in such person that, if the demand is not complied with, the actor or another will do one or more of the following:

(a)cause physical injury, serious physical injury, or death to a person; or

(b)cause damage to property, other than the property of the actor; or

(c)engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of section 135.05 of this article; or

(d)accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against such person; provided, however, that it shall be an affirmative defense to this subdivision that the defendant reasonably believed the threatened charge to be true and that his or her sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of such threatened charge; or

(e)expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

(f)testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(g)use or abuse his or her position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.

Labor trafficking is a class D felony.

History

Add, [L 2007, ch 74, § 3](#), eff Nov 1, 2007; amd, L 2015, ch 368, § 5, eff Jan 19, 2016.

Annotations

Notes

Editor's Notes:

Laws 2015 ch 368, § 1, eff Jan 19, 2016, provide:

Section 1. Short title. This act shall be known and may be cited as the "trafficking victims protection and justice act".

Amendment Notes

□ **The 2015 amendment by ch 368, § 5**, deleted former 1, which read: "unlawfully providing a controlled substance to such person with intent to impair said person's judgment"; redesignated former 2 through 4 as 1 through 3; and substituted "article" for "chapter" in 3(c).

Repeal Notes:

[1967, ch 791] Sections 135.35 and 135.40, which were repealed by § 13 of this act, related to the proceeding to determine sentence for kidnapping in the first degree.

Prior Law:

Former § 15.35, add, L 1965, ch 1030, § 1; repealed, L 1967, ch 791, § 13, eff Sept 1, 1967.

Research References & Practice Aids

Jurisprudences:

35 NY Jur 2d Criminal Law Substantive Principles and Offenses § 357.

45 Am Jur 2d, Involuntary Servitude and Peonage § 19.

Criminal Jury Instructions:

Labor trafficking. CJI2d [NY] [Penal Law § 135.35\(1–4\)](#).

Hierarchy Notes:

[NY CLS Penal, Pt. THREE](#)

[NY CLS Penal, Pt. THREE, Title H, Art. 135](#)

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§ 135.36. Labor trafficking; accomplice

In a prosecution for labor trafficking, a person who has been compelled or induced or recruited, enticed, harbored or transported to engage in labor shall not be deemed to be an accomplice.

History

Add, [L 2007, ch 74, § 3](#), eff Nov 1, 2007.

Annotations

Research References & Practice Aids

Jurisprudences:

21 Am Jur 2d, Criminal Law §§ 188 et seq.

45 Am Jur 2d, Involuntary Servitude and Peonage § 19.

Hierarchy Notes:

[NY CLS Penal, Pt. THREE](#)

[NY CLS Penal, Pt. THREE, Title H, Art. 135](#)

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§ 135.37. Aggravated labor trafficking

A person is guilty of aggravated labor trafficking if he or she compels or induces another to engage in labor or recruits, entices, harbors, or transports such other person to engage in labor by means of intentionally unlawfully providing a controlled substance to such person with intent to impair said person's judgment.

Aggravated labor trafficking is a class C felony.

History

L 2015, ch 368, § 6, eff Jan 19, 2016.

Annotations

Notes

Editor's Notes:

L 2015, ch 368, § 1, eff Jan 19, 2016, provides:

Section 1. Short title. This act shall be known and may be cited as the "trafficking victims protection and justice act".

Research References & Practice Aids

Hierarchy Notes:

[NY CLS Penal, Pt. THREE](#)

[NY CLS Penal, Pt. THREE, Title H, Art. 135](#)

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