**AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE**

**Penal Law 230.11**

**(Committed on or after Sept 1, 2024)**

The (specify) count is Aggravated Patronizing a Minor for Prostitution in the Third Degree.

Under our law, a person is guilty of Aggravated Patronizing a Minor for Prostitution in the Third Degree when, being twenty‑one (21) years old or more, he or she patronizes a person for prostitution and the person patronized is less than seventeen (17) years old and the person guilty of patronizing engages in:

vaginal sexual contact, oral sexual contact, anal sexual contact,

or aggravated sexual contact[[1]](#footnote-1) with the person patronized.

The following terms used in that definition have a special meaning:

A person PATRONIZES A PERSON FOR PROSTITUTION when:

*Select appropriate alternative:*

Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct[[2]](#footnote-2) with him or her;

He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him or her;

He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.[[3]](#footnote-3)2

(The) PERSON WHO IS PATRONIZED means the person

*Select appropriate alternative(s\_:*

with whom the defendant engaged in sexual conduct; [or]

with whom the defendant was to have engaged in sexual conduct pursuant to the understanding; [or]

who was solicited or requested by the defendant to engage in sexual conduct. [[4]](#footnote-4)3

*Select appropriate definition(s)*

VAGINAL SEXUAL CONTACT means conduct between persons consisting of contact between the penis and the vagina or vulva. [[5]](#footnote-5)4

ORAL SEXUAL CONTACT means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.[[6]](#footnote-6)5]

ANAL SEXUAL CONTACT means conduct between persons consisting of contact between the penis and anus.[[7]](#footnote-7)6

AGGRAVATED SEXUAL CONTACT means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child*.7*

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (*date*) , in the County of (County), the defendant, (*defendant's name*)[[8]](#footnote-8)8 was twenty-one (21) years old or more;

2. That the defendant patronized a person for prostitution and that person was less than seventeen (17) years old; and

3. That the defendant engaged in:

*Select appropriate alternative(s):*

vaginal sexual contact

oral sexual contact

anal sexual contact

aggravated sexual contact

with the person patronized.

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

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.

1. At this point the statute continues: as those terms are defined in section 130.00 of this part. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. 2 Penal Law 230.02 (1). [↑](#footnote-ref-3)
4. 3 Penal Law 230.02 (2). [↑](#footnote-ref-4)
5. 4 Penal Law § 130.00(1). [↑](#footnote-ref-5)
6. 5 Penal Law 130.00 (2)(a). [↑](#footnote-ref-6)
7. 6 Penal Law 130.00 (2)(b). [↑](#footnote-ref-7)
8. 8 When the defendant is charged in whole or in part as an accomplice, insert: personally, or by acting in concert with another person. *See* Accomplice charge. [↑](#footnote-ref-8)