

**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 contact¹ 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 conduct² 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

¹ At this point the statute continues: “as those terms are defined in section 130.00 of this part.”

a fee.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. ³

Select appropriate definition(s)

VAGINAL SEXUAL CONTACT means conduct between
persons consisting of contact between the penis and the vagina or
vulva. 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.^{5]}

ANAL SEXUAL CONTACT means conduct between
persons consisting of contact between the penis and anus.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

² Penal Law § 230.02 (1).

³ Penal Law § 230.02 (2).

⁴ Penal Law § 130.00(1).

⁵ Penal Law § 130.00 (2)(a).

⁶ Penal Law § 130.00 (2)(b).

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 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.

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.