

**AGGRAVATED PATRONIZING A MINOR FOR
PROSTITUTION IN THE FIRST DEGREE
(CW less than 11)
Penal Law § 230.13
(Committed on or after Sept 1, 2024)**

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

Under our law, a person is guilty of Aggravated Patronizing a Minor for Prostitution in the First Degree when that individual patronizes a person for prostitution and the person patronized is less than eleven 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 conduct 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.²

¹ At this point, the statute continues: as those terms are defined in section 130.00 of this part" [i.e. Penal Law].

² Penal Law § 230.02 (1).

(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

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).

⁷ Penal Law § 130.00 (11)

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 patronized a person for prostitution and that person was less than eleven (11) years old; and
2. That the defendant engaged in:

Select appropriate alternative(s):

vaginal sexual contact [or]
oral sexual contact [or]
anal sexual contact [or]
aggravated sexual contact

with the person patronized.

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

If you find the People have not proven beyond a reasonable doubt either one or both 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.