

PROMOTING PROSTITUTION IN THE THIRD DEGREE
(Prostitute less than 19)
Penal Law § 230.25 (2)
(Committed on or after January 19, 2016)

The (specify) count is Promoting Prostitution in the Third Degree.

Under our law, a person is guilty of Promoting Prostitution in the Third Degree when he or she knowingly advances or profits from prostitution of a person less than nineteen 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, he or she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.²

A person "PROFITS FROM PROSTITUTION" when, acting other than as a person in prostitution receiving compensation for

¹ Penal Law § 230.00.

² Penal Law 230.15 (1). Effective January 19, 2016, the definition of “advances prostitution” and “profits from prostitution” were amended to substitute the terminology: “when, acting other than as a **person in prostitution**” for the terminology “when acting other than as a **prostitute**.” For crimes committed on or after September 1, 1978 and before January 19, 2016, this charge may be used provided the term “prostitute” is substituted for the term “person in prostitution” in the definition of “advances prostitution” and “profits from prostitution.”

personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.³

A person KNOWINGLY advances or profits from prostitution when that person is aware that he or she is advancing or profiting from prostitution.⁴

It is not a defense to this charge that the actor did not know the age of the person whose prostitution the actor advanced or profited from, or that the actor believed the age of such person to be nineteen 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 three 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 knowingly; and
3. That the person, whose prostitution the defendant advanced or profited from, was less than nineteen years of age.

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

³ Penal Law § 230.15 (2). *See also* footnote two.

⁴ *See* Penal Law § 15.05 (2). An expanded definition of “knowingly,” is set forth in the General charges in the “Culpable Mental States” section.

⁵ *See* Penal Law §15.20 (3); *People v Coleman*, 74 NY2d 381 (1989).

If you find that 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.