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## New York State Assembly

Tuesday, May 23, 2006

### Bill Summary - A01898

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#### A01898 Summary:

BILL NO A01898B

SAME AS No same as

SPONSOR Dinowitz

COSPNSR Paulin, Greene, Galef, Fields, Aubertine, Scarborough,  
Lafayette,  
Zebrowski, Jacobs, Pheffer, Eddington, Gunther, Clark,  
Espaillat,  
Carrozza, Brodsky, Koon

MLTSPNSR Alessi, Alfano, Arroyo, Barra, Benedetto, Boyland, Bradley,  
Brennan,  
Camara, Casale, Christensen, Cohen A, Colton, Cook, Crouch,  
Cusick,  
Cymbrowitz, DelMonte, Destito, Diaz R, DiNapoli, Errigo,  
Gantt,  
Gianaris, Giglio, Gordon, Gottfried, Grannis, Green,  
Heastie, Hevesi,  
Hikind, John, Karben, Latimer, Lavelle, Lavine, Lifton,  
Lupardo,  
Magnarelli, Markey, Mayersohn, McDonough, McEneny, Meng,  
Miller,  
Millman, Nolan, Ortiz, Peralta, Perry, Pretlow, Reilly,  
Rivera J,  
Rivera N, Rivera P, Robinson, Schimminger, Schroeder,  
Sweeney, Titus,  
Tokasz, Tonko, Walker, Weisenberg, Wright

Add Art 136 SS136.00 - 136.50, amd SS230.03 - 230.06, 125.25 & 460.10,  
Pen L;  
amd SS1310 & 1311, add SS1311-b & 213-c, CPLR; amd S700.05, add S60.80,  
CP L;  
amd SS621 & 63, add S214-c, Exec L; add Art 12 SS490 - 494, amd S158,  
Soc Serv  
L

Relates to establishing crimes and penalties relating to human  
trafficking;  
establishes services and benefits for victims of human trafficking.

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## **A01898 Actions:**

BILL NO        A01898B

01/21/2005 referred to codes  
05/23/2005 amend (t) and recommit to codes  
05/23/2005 print number 1898a  
01/04/2006 referred to codes  
04/28/2006 amend (t) and recommit to codes  
04/28/2006 print number 1898b

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## **A01898 Votes:**

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## **A01898 Memo:**

BILL NUMBER:A1898B

TITLE OF BILL: An act to amend the penal law, the civil practice law and rules, the criminal procedure law, the social services law, and the executive law in relation to criminalizing the trafficking of persons for labor servitude and sexual servitude and providing services for trafficked persons

PURPOSE OR GENERAL IDEA OF BILL: To strengthen laws relating to human trafficking by increasing penalties; protecting minors; providing restitution and victim assistance; unifying definitions and concepts related to trafficking of persons to clarify and make more comprehensive anti-trafficking laws; and to provide benefits and services to victims of human trafficking.

SUMMARY OF SPECIFIC PROVISIONS: Section I adds Article 136 to the penal law, which creates a trafficking in persons for labor servitude and sexual servitude act.

Section.136.00 of the article defines "actor," "blackmail," "financial harm," "debt bondage," "labor servitude," "sexual servitude," "labor," "commercial sexual activity," "sexual conduct," "coercion," "maintain," "trafficking victim," and "abuse of law."

Section 136.05 defines the offense of trafficking a person for labor servitude and establishes it as a class C felony

Section 136.10 defines the offense of trafficking a person for sexual servitude and establishes it as a class C felony

Section 136.12 defines the offense of trafficking a minor for sexual servitude and establishes it as a class B felony.

Section 136.13 defines the offense of aggravated trafficking and establishes it as a class B felony.

Section 136.15 defines the offense of benefiting from trafficking and establishes it as a class D felony

Section 136.20 defines the offense of promoting sex tourism and establishes it as a class C felony

Section 136.25 affirms accomplice liability

Section 136.35 establishes an affirmative defense for victims of trafficking

Section 136.40 establishes that restitution shall be mandatory for offenses committed under this article

Section 136.45 establishes victim assistance

Section 136.50 establishes assessment of victim protection needs

Section 230.03 is amended to increase the penalty by one degree for patronizing a prostitute in the 4<sup>th</sup> degree

Section 230.04 is amended to increase the penalty by one degree for patronizing a prostitute in the 3<sup>rd</sup> degree

Section 230.05 is amended to increase the penalty by one degree for patronizing a prostitute in the 2<sup>nd</sup> degree and changes the age requirement from 14 to 15 years of age.

Section 230.06 is amended by adding subdivision 2 which states that when a person over the age of eighteen patronizes a prostitute less than 13 years old he is guilty of patronizing a prostitute in the 1<sup>st</sup> degree and it makes patronizing a prostitute in the 151 degree punishable as a Class B instead of D felony.

Subdivision 3 of section 125.25 is amended to include the crimes of human trafficking

1310 of the civil practice law is amended to include human trafficking in the definitions section

.sk 1 Paragraph (a) of subdivision 1 of Section 1311 of the civil practice law and rules is amended regarding actions relating to post-conviction forfeiture crimes to include human trafficking.

Section 460.10 of the penal law is amended to include human trafficking in the definition for enterprise corruption.

Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law is amended to include the crime of human trafficking

Section 1311-b is added to the civil practice law relating to a victim's right to cause of action for damages.

Section 213-c is added to the civil practice law and rules to extend statute of limitations; establishes disability shall toll the running of the statute of limitation; establishes statute of limitation will not against an incompetent minor.

Subdivision 5 of section 621 of the executive law is amended include human trafficking victims in the definition of victim.

Section 60.80 is added to the criminal procedure law relating to the rules of evidence; victim of human trafficking.

Article 12 is added to the social services law relating to services for trafficked persons containing Sections 490-494.

Section 490 contains definitions for this new section.

Section 491 provides for services for trafficked victims

Section 492 creates the interagency advisory committee on human trafficking.

Section 493 provides for data collection on human trafficking.

Section 494 provides for residential services for trafficking victims.

Section 63 of the executive law is amended by adding a new subdivision 16 relating to the appointment of a human trafficking liason.

Section 214-c is added to the executive law relating to human trafficking intervention.

This act shall take effect on November 151.

JUSTIFICATION: Human Trafficking is a heinous crime that exploits its victims in unimaginable ways and it is a major problem. It is a lucrative business that is clandestine, making it difficult to stop. The existing laws on trafficking-like crimes are codified in disparate parts of the New York State criminal code. These crimes including kidnapping, prostitution and other coercive tactics that traffickers use to obtain and maintain the labor and services of their victims are found in different and seemingly unrelated parts of the state code. This makes it difficult for prosecutors to properly charge criminals.

This bill strengthens the laws on human trafficking. It unifies the definitions and concepts of anti-trafficking laws; it bundles these appropriate statutes into a trafficking chapter. As a result, this bill will make it more likely that such crimes are recognized and charged. With a properly organized criminal code, proper sentencing for specific crimes can be appropriately penalized.

This bill protects minors by creating tough penalties. This bill also provides needed assistance and protection to victims. Trafficked persons are victims who are often in a precarious legal and financial position. They are often far from friends or family, do not have a legal immigration status, and may have difficulty communicating with authorities. This bill will help trafficking victims to access the federal benefits and services that they are entitled to in addition to providing them with additional state benefits and services.

PRIOR LEGISLATIVE HISTORY: New Bill

FISCAL IMPLICATIONS: Minimal cost to the state

EFFECTIVE DATE: This act shall take effect on the first of November next succeeding the date on which it shall have become law.