

Decrim NY: Stop Violence in the Sex Trades Act

Sponsored by: Assembly Member Richard Gottfried (A849) and Senator Julia Salazar (S3075)

Drafted in collaboration with Decrim NY



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The Stop Violence in the Sex Trades Act (S3075/A849, Salazar/Gottfried) amends statutes so that consenting adults who trade sex, collaborate with or support sex working peers, or patronize adult sex workers will not be criminalized. It also amends the law so that people can trade no-longer-criminalized sex in spaces where legal businesses are permitted, while upholding that maintaining exploitative workplaces where coercion and trafficking take place is a felony. New York state law has more than two dozen anti-prostitution penal codes, about half of which pertain only to sex work between consenting adults, while the other statutes focus on trafficking, exploitation of minors, and coercion in the sex trades. The bill upholds all of the felony anti-trafficking statutes that are designed to hold accountable traffickers and people who seek to buy sex from minors or otherwise sexually exploit minors.

The bill repeals and/or amends the following statutes:

1. The bill **repeals** sections of the penal code that prohibit prostitution and ends the criminalization of adults who sell or buy sex. Repeals include:
 - a. Section 230.00 - prostitution, affirmative defense, a class B misdemeanor. This repeal ensures that people will not be criminalized for selling sex. This section is replaced with a new definitions section.
 - b. Sections 230.20 - promoting prostitution in the fourth degree, a class A misdemeanor. This repeal ensures that sex workers will be able to work together and that friends and family who help keep people in the sex trades safe are not criminalized.
 - c. Section 230.25 - promoting prostitution in the third degree, a class D felony. The crime of promoting the prostitution of a person under 18 or a person who is being forced or intimidated into engaging in prostitution remains a class C felony in section 230.30
 - d. **Update: This penal code has been repealed.** Section 240.37 - loitering for the purposes of prostitution, a class A misdemeanor. This repeal ends the discriminatory policing practice of arresting people based on their clothing, gender presentation, the neighborhood they are in, and their use of public space.

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2. The bill **amends** the following sections of the penal code:
 - a. Section 230.00 - definition of “advancing prostitution” is amended so that young people between the ages of seventeen and twenty-one are not criminalized for working together under statute 230.32. This close-in-age exception mirrors the statutory rape law and protects LGBTQ youth, who often work together to stay safer.
 - b. Section 230.04 - patronizing a prostitute in the third degree is amended to repeal the crime of patronizing an adult, but upholds that patronizing a person who is between 15 and 18 is a class A misdemeanor. 230.05 maintains that patronizing someone 15 or younger is a class E felony.
 - c. Section 230.35 - promoting or compelling prostitution; accomplice is amended to delete the phrase “less than eighteen years old” so that no person can be charged as an accomplice, unless they are an accomplice to sex trafficking under 230.36.
 - d. Section 230.40 - permitting prostitution is amended so that roommates of sex workers cannot be prosecuted simply because a sex worker lives with them.
 - e. The bill amends parts of the multiple dwelling law, public health law, real property actions and proceedings law, real property law, vehicle and traffic law, and the administrative code of the city of New York to make conforming changes and clarifications so that sex workers who are doing activities that are decriminalized are protected.
 - f. Throughout the prostitution and sex trafficking penal codes, the bill amends the gendered language of “he or she” to “a person,” “an actor,” or “an individual” to include the diverse gender identities of LGBTQ communities, who participate in the sex trades at high rates.
3. The bill **adds** the option for sex workers to apply for criminal record relief/expungement for crimes they were previously convicted of that are repealed under this bill and are no longer a crime. Record relief removes a barrier sex workers face when they try to access housing, employment, healthcare, or adjusting their immigration status.
4. **This bill does not amend or repeal laws around coercion or trafficking, nor does it decriminalize sex with minors or others who cannot consent.**