



Legislation Text

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Proposed Res. No. 630-A

Resolution calling upon the New York State Legislature to increase the penalties for patronizing child prostitutes.

By Council Members Vallone Jr., Boyland, Baez, Barron, Clarke, Davis, Fidler, Foster, Jackson, Jennings, Katz, Koppell, Liu, Lopez, Martinez, Nelson, Perkins, Recchia Jr., Reyna, Rivera, Sanders, Seabrook, Sears, Serrano, Stewart, Vann, Weprin, Yassky, Gerson, Quinn, Comrie, Gentile and Oddo

Whereas, The number of child prostitutes has steadily risen in New York City in the past few years, as indicated by testimony at a December 6, 2002 hearing of the Public Safety and Women's Issues Committees; and

Whereas, With prosecutors and advocacy groups testifying that they have encountered increasing numbers of girls under the age of 17, and some even as young as 11, being used in prostitution, it is clear that child prostitution is a major problem in New York City; and

Whereas, Beyond the devastating emotional and psychological toll of such activity, child prostitutes are often the targets of physical abuse by both pimps and customers; in the words of Queens District Attorney Richard Brown, this violence "belies the all-too-common belief that prostitution is a 'victim-less' crime. These crimes are nothing less than the abuse of children who were essentially sold into modern-day-slavery;" and

Whereas, Despite the tragedy of child prostitution, the New York State Penal Law does not provide adequate penalties for those who patronize these young victims; and

Whereas, Under the Penal Code, a person over 21 who patronizes a prostitute less than 17 years of age may only be charged with an A misdemeanor, which as a maximum carries only 1 year in jail, but usually results in merely a fine; and

Whereas, A person over eighteen who patronizes a prostitute less than 14 years of age may only be charged with an E felony, the lowest level felony, which, for a first-time offender, as a maximum carries only 1 1/3 to 4 years in jail, but usually results in a fine or probation as a jail sentence is not mandatory; and

Whereas, Perhaps most egregiously, a person who patronizes a prostitute less than 11 years of age may only be charged with a D felony, which, for a first-time offender, as a maximum carries only 2 1/3 to 7 years and at a minimum only brings a fine or probation; and

Whereas, These laws, which do not adequately reflect the tragedy and seriousness of child prostitution, must be amended to reflect the same schedule of punishment for statutory rape: a B felony for those who patronize a prostitute less than 11 years of age; a D felony when a person, 18 or over, patronizes a prostitute who is less than 14 years old; an E felony when a person, 21 years or older, patronizes a prostitute less than 17; and an A misdemeanor for patronizing a prostitute in all other situations; and

Whereas, As prosecutors testified at the December 6th hearing, it is a rare occurrence when they are able to charge a person who patronizes a prostitute with statutory rape; most often, they must charge individuals with these lesser crimes of patronizing a prostitute; and

Whereas, By amending the Penal Law to increase the penalties for those who would prey on our children, the State Legislature will make the prosecution of these individuals easier, allow prosecutors to use the State's asset forfeiture laws for those convicted of a felony, and make the punishment for these crimes reflect the seriousness of engaging in this activity; and

Whereas, In light of the nature of this problem, the State Legislature should also contemplate a complete overhaul of the laws dealing with child exploitation; while prosecutors may use a variety of laws, including child sex abuse, statutory rape, reckless endangerment, sexual misconduct and others, it may be more effective to create an entirely new section of the Penal Law dealing with child exploitation, so that all the methods by which children are exploited are appropriately recognized and adequate punishment provided; and

Whereas, All avenues must be explored when confronting this difficult and increasing problem, and certainly a greater penalty for those who engage the services of a child prostitute should be paramount; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to increase the penalties for patronizing child prostitutes.

