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NEW YORK CONSOLIDATED LAW SERVICE
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*** ARCHIVE ***

*** THIS SECTION IS CURRENT THROUGH THE 2005 SESSION ***

PENAL LAW
PART THREE. SPECIFIC OFFENSES
TITLE M. OFFENSES AGAINST PUBLIC HEALTH AND MORALS
ARTICLE 230. PROSTITUTION OFFENSES

NY CLS Penal § 230.04 (2005)

§ 230.04. Patronizing a prostitute in the third degree

A person is guilty of patronizing a prostitute in the third degree when, being over twenty-one years of age, he patronizes a prostitute and the person patronized is less than seventeen years of age.

Patronizing a prostitute in the third degree is a class A misdemeanor.

HISTORY: Add, L 1978, ch 627, § 2, eff Sept 1, 1978.

NOTES:

Research References & Practice Aids:
35B NY Jur 2d, Criminal Law § 4930

Annotations:

Validity and construction of statute or ordinance proscribing solicitation for purposes of prostitution, lewdness, or assignation-modern cases. 77 ALR3d 519

Texts:

New York Criminal Practice Ch. 77

Criminal Jury Instructions, New York:

Patronizing a prostitute, third degree. CJI2d [NY] *Penal Law § 230.04*

Case Notes:

Information charging defendant with third degree attempt to patronize prostitute was not subject to dismissal on ground that undercover officer solicited was in fact older than 17 years of age since allegation that defendant believed person solicited to be younger than 17 (in that officer told defendant that he was 15 years old) sufficiently set forth elements of crime charged; impossibility was complete defense to crime itself, but was not defense to attempt to commit crime. *People v Doe (1987, Crim) 135 Misc 2d 578, 515 NYS2d 982.*

Accusatory instrument charging defendant with attempting to patronize prostitute in third degree in violation of CLS Penal §§ 110.00 and 230.04, in that he solicited undercover police officer to perform sexual act and that he believed officer to be less than 17 years of age, would not be dismissed pursuant to CLS CPL §§ 170.30(1)(a) and 170.35(1)(a) since accusatory instrument was not rendered facially insufficient by fact that officer was in fact more than 17 years of age; mental state of defendant was critical factor in determining establishment of offense since CLS Penal § 110.10 provides that it is no defense to charge of attempt to commit crime that such commission was impossible if such crime could have been committed had attendant circumstances been as defendant believed them to be. *People v Sharif (1988, City Crim Ct) 141 Misc 2d 80, 532 NYS2d 709.*