S T A T E O F N E W Y O R K

3856

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CLARK -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to the use in evidence of the fact of possession of a condom

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil practice law and rules is amended by adding a new section 4519-a to read as follows:

S 4519-A. POSSESSION OF CONDOMS; RECEIPT INTO EVIDENCE. POSSESSION OF A CONDOM MAY NOT BE RECEIVED IN EVIDENCE IN ANY TRIAL, HEARING OR PROCEEDING PURSUANT TO SUBDIVISION ONE OF SECTION TWELVE AND ARTICLE TEN OF THE MULTIPLE DWELLING LAW, SECTIONS TWELVE-A, TWENTY-THREE HUNDRED TWO AND TWENTY-THREE HUNDRED TWENTY OF THE PUBLIC HEALTH LAW, SECTION TWO HUNDRED THIRTY-ONE OF THE REAL PROPERTY LAW OR SUBDIVISION FIVE OF SECTION SEVEN HUNDRED ELEVEN AND SECTION SEVEN HUNDRED FIFTEEN OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW AS EVIDENCE OF PROSTITUTION, PATRONIZING A PROSTITUTE, PROMOTING PROSTITUTION, PERMITTING PROSTITUTION, MAINTAINING A PREMISES FOR PROSTITUTION, LEWDNESS OR ASSIGNATION, OR MAINTAINING A BAWDY HOUSE.

S 2. The criminal procedure law is amended by adding a new section 60.47 to read as follows:

S 60.47 POSSESSION OF CONDOMS; RECEIPT INTO EVIDENCE.

POSSESSION OF A CONDOM MAY NOT BE RECEIVED IN EVIDENCE IN ANY TRIAL, HEARING OR PROCEEDING PURSUANT TO SECTION 60.42 OF THIS ARTICLE, ARTICLE TWO HUNDRED THIRTY AND SECTION 240.37 OF THE PENAL LAW AS EVIDENCE OF PROSTITUTION, PATRONIZING A PROSTITUTE, PROMOTING PROSTITUTION OR PERMITTING PROSTITUTION.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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