

10504

I N A S S E M B L Y

May 31, 2016

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

AN ACT to amend the civil practice law and rules, the criminal procedure
law and the executive 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 4519-a to read as follows:
3 S 4519-A. POSSESSION OF CONDOMS; RECEIPT INTO EVIDENCE. POSSESSION OF
4 A CONDOM MAY NOT BE RECEIVED IN EVIDENCE IN ANY TRIAL, HEARING OR
5 PROCEEDING PURSUANT TO SUBDIVISION ONE OF SECTION TWELVE AND ARTICLE TEN
6 OF THE MULTIPLE DWELLING LAW, SECTION TWELVE-A OF THE PUBLIC HEALTH LAW,
7 SECTION TWO HUNDRED THIRTY-ONE OF THE REAL PROPERTY LAW OR SUBDIVISION
8 FIVE OF SECTION SEVEN HUNDRED ELEVEN AND SECTION SEVEN HUNDRED FIFTEEN
9 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW AS EVIDENCE OF PROSTI-
10 TUTION, PATRONIZING A PROSTITUTE, PROMOTING PROSTITUTION, PERMITTING
11 PROSTITUTION, MAINTAINING A PREMISES FOR PROSTITUTION, LEWDNESS OR
12 ASSIGNATION, OR MAINTAINING A BAWDY HOUSE.
13 S 2. Section 60.47 of the criminal procedure law, as added by section
14 2 of part I of chapter 57 of the laws of 2015, is amended to read as
15 follows:
16 S 60.47 Possession of condoms; receipt into evidence.
17 Evidence that a person was in possession of one or more condoms may
18 not be admitted at any trial, hearing, or other proceeding in a prose-
19 cution for [section 230.00] ANY OFFENSE, OR AN ATTEMPT TO COMMIT ANY
20 OFFENSE, DEFINED IN ARTICLE TWO HUNDRED THIRTY or section 240.37 of the
21 penal law for the purpose of establishing probable cause for an arrest
22 or proving any person's commission or attempted commission of such
23 offense.
24 S 3. Section 841 of the executive law is amended by adding a new
25 subdivision 7-b to read as follows:
26 7-B. TAKE SUCH STEPS AS MAY BE NECESSARY TO ENSURE THAT ALL POLICE
27 OFFICERS AND PEACE OFFICERS CERTIFIED PURSUANT TO SUBDIVISION THREE OF

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

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1 THIS SECTION RECEIVE APPROPRIATE INSTRUCTION REGARDING THE EVIDENTIARY
2 PROHIBITION SET FORTH IN SECTION 60.47 OF THE CRIMINAL PROCEDURE LAW
3 RELATING TO THE INTRODUCTION OF CONDOMS INTO EVIDENCE IN CERTAIN CRIMI-
4 NAL PROSECUTIONS;

5 S 4. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.