

# STATE OF NEW YORK

7004

2023-2024 Regular Sessions

## IN SENATE

May 16, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to requiring correctional facilities to distribute sexually protective devices to incarcerated individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 609  
2 to read as follows:

3 § 609. Distribution of sexually protective devices to incarcerated  
4 individuals. 1. The warden or superintendent of each of the institutions  
5 within the jurisdiction of the department of corrections and community  
6 supervision shall regularly distribute sexually protective devices free  
7 of charge to each incarcerated individual in his or her custody. Such  
8 distribution shall be part of a routine program and shall not require a  
9 request by an incarcerated individual.

10 2. Distribution of pre-exposure prophylaxis ("PrEP") for the  
11 prevention of HIV to incarcerated individuals. The warden or superinten-  
12 dent of each of the institutions within the jurisdiction of the depart-  
13 ment of corrections and community supervision shall regularly distribute  
14 pre-exposure prophylaxis for the prevention of HIV to incarcerated indi-  
15 viduals free of charge to each incarcerated individual in his or her  
16 custody who requests it. Such distribution shall be part of a routine  
17 program and incarcerated individuals shall regularly be made aware of  
18 the opportunity to procure PrEP.

19 3. The possession of a sexually protective device or PrEP shall not be  
20 considered evidence of any offense for the purpose of imposing penalties  
21 or criminal liability against the incarcerated individual.

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

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1 4. For the purposes of this section, a "sexually protective device"  
2 shall mean any one of the following intended to prevent pregnancy or  
3 sexually transmitted infection: a male or female condom or a dental dam.  
4 § 2. This act shall take effect on the thirtieth day after it shall  
5 have become a law.