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:

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

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

2. Distribution of pre-exposure prophylaxis ("PrEP") for the prevention of HIV to incarcerated individuals. The warden or superintendent of each of the institutions within the jurisdiction of the department of corrections and community supervision shall regularly distribute pre-exposure prophylaxis for the prevention of HIV to incarcerated individuals free of charge to each incarcerated individual in his or her custody who requests it. Such distribution shall be part of a routine program and incarcerated individuals shall regularly be made aware of the opportunity to procure PrEP.

3. The possession of a sexually protective device or PrEP shall not be considered evidence of any offense for the purpose of imposing penalties 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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4. For the purposes of this section, a "sexually protective device" shall mean any one of the following intended to prevent pregnancy or sexually transmitted infection: a male or female condom or a dental dam.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.