

STATE OF NEW YORK

9257

2025-2026 Regular Sessions

IN ASSEMBLY

November 21, 2025

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the education law, in relation to providing for the medical testing of certain incarcerated individuals upon application for certain privileges and authorizing the disclosure of such test results for such purpose and diagnosing of certain disease symptoms

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 two new sections
2 144 and 145 to read as follows:

3 § 144. Medical testing of certain incarcerated individuals upon appli-
4 cation for certain privileges. 1. Incarcerated individuals applying to
5 the commissioner to marry, to participate in the family reunion program,
6 or to participate in a temporary release program, shall submit to a test
7 for evidence of acquired immune deficiency syndrome (AIDS), the AIDS
8 related complex (ARC), and human immunodeficiency virus (HIV) infection.
9 As scientific knowledge of the AIDS disease increases, usage of termi-
10 nology and additional tests for HIV or for levels of antigen or antibody
11 shall be modified by the commissioner in accordance with the latest
12 publication made available by the federal centers for disease control.

13 2. Upon proof that any identifiable incarcerated individual seeking
14 approval for one or more of the privileges specified in subdivision one
15 of this section, has tested positive, has a certain level of antigen or
16 antibody or has otherwise tested positive for infection with HIV or
17 infection with the probable causative agent of AIDS, the commissioner
18 may deny such requested privilege to such incarcerated individual.

19 3. Incarcerated individuals granted the privilege to participate in
20 the family reunion program or a temporary release program shall submit
21 to any of the tests specified in subdivision one of this section during

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

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1 participation in such program at intervals determined by the commission-
2 er but in no case less than six month intervals.

3 § 145. Notification of disease symptoms. Upon the diagnosis by a
4 facility health director or any other medical service provider author-
5 ized by the department to examine incarcerated individuals, that an
6 incarcerated individual has symptoms of acquired immune deficiency
7 syndrome, notice of the diagnosis shall be provided to all employees of
8 the department who can reasonably be expected to be involved in the
9 supervision and care of said incarcerated individual.

10 § 2. Subdivision 1 of section 1007 of the education law, as amended by
11 chapter 656 of the laws of 1999, is amended to read as follows:

12 1. It shall be unlawful, except for purposes directly connected with
13 the administration of the vocational rehabilitation program and for
14 purposes of section one hundred forty-five of the correction law, for
15 any person or persons to solicit, disclose, receive, or make use of, or
16 authorize, knowingly permit, participate in, or acquiesce in the use of
17 any list of, or names of, or any information concerning, persons apply-
18 ing for or receiving vocational rehabilitation, directly or indirectly
19 derived from the [~~record~~] records, papers, files, communications of the
20 state or subdivisions or agencies thereof, or acquired in the course of
21 the performance of official duties without the consent of each such
22 applicant or recipient. Such records, papers, files and communications
23 shall be regarded as confidential information and privileged within the
24 meaning of section forty-five hundred four of the civil practice law and
25 rules.

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