STATE OF NEW YORK

4422

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. STEC -- 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 and the public health law, in relation to the use of body scanners at correctional facilities

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 138-b to read as follows:

§ 138-b. Body imaging scanners. 1. Every correctional facility shall require all visitors of such correctional facility to be scanned by body imaging scanning equipment in accordance with subdivision six of section thirty-five hundred two of the public health law before entering such correctional facility.

2. All incarcerated individuals shall be scanned by body imaging scanning equipment in accordance with subdivision six of section thirty-five hundred two of the public health law upon intake into the facility and following any visitation.

3. For purposes of this section "body imaging scanning equipment" shall have the same meaning as defined in paragraph (d) of subdivision six of section thirty-five hundred two of the public health law.

§ 2. Subparagraph (iii) of paragraph (a) of subdivision 6 of section 3502 of the public health law, as amended by section 1 of part LL of chapter 56 of the laws of 2023, is amended to read as follows.

(iii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department, or for local correctional facilities in cities having a population of two million or more, such utilization shall be in accordance with regulations promulgated by the New York city department of health and mental hygiene. The state commission of correction, in consultation with the department of corrections and community supervision, shall promulgate

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

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regulations establishing when body imaging scanning equipment will be used to screen visitors and incarcerated individuals in state correctional facilities. Such regulations shall include provisions establishing that alternative methods of screening may be used to accommodate individuals who [~~decline or~~] are unable to be screened by body imaging scanning equipment for medical reasons [~~and that alternative methods of screening may be used to accommodate individuals who decline to be screened for other reasons, unless security considerations warrant otherwise. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning~~]. **Nothing in this section shall prohibit the department from denying visitation to any person who declines for reasons other than medical reasons.**

§ 3. This act shall take effect immediately; provided, however, the amendments to subdivision 6 of section 3502 of the public health law as made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.