Q & A on No-Condoms-as-Evidence-of-Prostitution Bill (A3856, S1289)
Columbia Sexuality and Gender Law Clinic
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What is this bill?

The bill prohibits prosecutors from introducing condoms as evidence of prostitution in certain civil and criminal proceedings.

Why do New Yorkers need this bill?

The bill is critical to protecting public health in New York and deterring police officers from using condoms as pretextual justification for arbitrary search and seizure. Public policy must encourage the use of condoms and can do so without affecting the sanction against prostitution. In addition, the mere act of carrying condoms should not expose individuals to the risk of being accused of prostitution. By ensuring both of these results, the bill helps the state fulfill its obligation to protect public health and welfare and citizens’ constitutional rights.

To what crimes does the bill apply? Would the bill allow condoms to be used in sexual assault cases?

The bill only prohibits prosecutors from introducing condoms as evidence of prostitution and prostitution-related offenses: prostitution, patronizing a prostitute, promoting prostitution, permitting prostitution, maintaining a premises for prostitution, lewdness or assignation, or maintaining a bawdy house.

The bill would not prohibit the use of condoms as evidence in sexual assault cases.

Where does the bill stand?

The bill has been referred to committee in the New York State Senate. The bill has been reported out of committee in the New York State Assembly and is currently on the floor.

How can I help to pass this bill?

Spread the word. Tell friends, colleagues, and others about the use of condoms as evidence of criminal activity. Sign and forward the e-petition at www.ipetitions.com/petition/condoms.

Write a memo of support for the bill, either individually or on behalf of an organization to which you belong. Contact your representative and let them know that you are against the use of condoms as evidence of criminal activity. Contact information is located at http://assembly.state.ny.us/mem and http://www.nysenate.gov/senators.

Blog about or write a letter to the editor of your local paper about why the state legislature must pass this bill.

Attend a constituents’ meeting with your legislator. Contact the Urban Justice Center’s Sex Worker’s Project at ahardikar@urbanjustice.org for more information.