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## **NO CONDOMS AS EVIDENCE BILL PASSES NEW YORK STATE ASSEMBLY**

*Anti-Trafficking Advocates, Women's Groups, LGBTQ Organizations, Public Health Advocates And Civil Rights Groups Hail Passage of Critical Public Health Measure and Urge Senate to Take Action*

**New York** – Today the New York State Assembly passed A2736, known as the “No Condoms as Evidence” bill, sponsored by Queens Assembly Member Barbara Clark.

“Today’s action by the New York State Assembly brings us one step closer to making history as the first state in the country to enact legislation that prohibits police and prosecutors from confiscating and introducing condoms as evidence of intent to engage in prostitution-related offenses,” said **Andrea Ritchie on behalf of the No Condoms as Evidence Coalition, made up of over 70 organizations advocating for the bill’s passage.** “We want to extend our sincere thanks to Assembly Member Barbara Clark and Speaker Sheldon Silver for showing leadership in putting public health first. We call on New York State Senators who care about public health, sex trafficking, stop and frisk, women’s rights, LGBTQ rights, and human and civil rights to follow suit after the session break.”

Anti-trafficking advocates and service providers have been strong advocates on behalf of the bill.

“This is a revolutionary moment in the anti-trafficking movement,” **Lynly Egyes, an attorney at the Sex Workers Project at the Urban Justice Center** who represents trafficking survivors. “Passing this legislation sends a loud and clear message that lawmakers and law enforcers care about the health and safety of sex workers and victims of trafficking.”

“As the nation's leading service provider for victims of trafficking and other crimes, we congratulate the Assembly for including trafficking and promoting offenses in this legislation which will allow victims to use condoms while they are in their trafficking situations,” said **Michael Polenberg, Vice President of Governmental Affairs at Safe Horizon.** “This legislation will help preserve the lives and the futures of thousands of young victims of sexual exploitation. We look forward to seeing the Senate take action.”

“The use of condoms as evidence has created an unacceptable chilling effect and put the lives of LGBT people unnecessarily at risk,” said **Sharon Stapel, Executive Director of the New York City Anti-Violence Project.** “We urge the Senate to move to passage of a bill that will lift the fear our clients have of carrying condoms.”

Organizations fighting stop and frisk and other discriminatory policing practices in New York also applauded the bill's passage in the Assembly and urged action in the Senate.

“Police and prosecutors’ confiscation and use of condoms as evidence is an often invisible aspect of stop and frisk, and a powerful tool of racial profiling of women of color and LGBTQ youth and people of color,” said **Mitchyll Mora, a youth leader and researcher with Streetwise and Safe**, a member of Communities United for Police Reform, a New York City wide campaign to end discriminatory policing practices. “The Assembly has done its part in putting a stop to it - now it's the Senate's turn to stand up to protect our right to protect ourselves.”

“I have experienced firsthand how the police profile transgender women like me, confiscate our condoms and arrest us for walking down the street as ‘trans,’” **Yhatzine LaFountain, a member of immigrant rights group Make the Road New York**, recounted. “Condoms are supposed to protect us, not turn us into criminals. We thank the Assembly Member Moya and the New York State Assembly for taking a strong position against the use of condoms as evidence.”

“As a former sex worker and a current advocate, I welcome the passage of bill A2736, and thank Assembly Member Mosley for the leadership he showed on this issue,” said **Audacia Ray of the Red Umbrella Project**. “Many community organizations use the free NYC condom program, but increasingly people in the communities we serve are not taking advantage of free condoms because they fear that they will be stopped and frisked, and that condoms will be used against them.”

Public health advocates and LGBT organizations congratulated the Assembly on moving on the bill.

“New Yorkers should have access to HIV prevention no matter what borough or part of the state they live in. Legislation to end the use of condoms as evidence is essential to ensure all New Yorkers have access to condoms regardless of where they live,” said **Rebecca Schleifer, health and human rights advocacy director at Human Rights Watch**.

“Taking condoms as evidence of prostitution is a recipe for a public health disaster,” said **Hayley Gorenberg, Deputy Director of Lambda Legal**. “We need to end the use of condoms as evidence in prostitution and trafficking cases, for everyone’s sake. It’s now time for the Senate to act.”

“It simply does not make sense that New York distributes millions of condoms each year to promote public health only to have condoms confiscated by the police. This bill would encourage all New Yorkers, especially individuals who are regularly stopped by the police, to carry condoms without fear that they will be used against them as evidence in criminal court. This legislation is good public health policy. And it’s also common sense,” said **Socheatta Meng, Legislative Counsel New York Civil Liberties Union**.

New York State gives away 39 million male and 2 million female condoms a year. Yet police officers routinely confiscate condoms and prosecutors routinely use them as evidence to justify prostitution-related charges, wasting taxpayer dollars and undermining the state’s efforts to combat STIs, HIV, and unwanted pregnancies.

An abundance of research documents the harms of the practice. According to a 2012 report from the PROS Network (Providers and Resources Offering Services to Sex Workers) and the Sex Workers Project at the Urban Justice Center, **up to 50% of people surveyed have at some point not carried condoms for fear of police repercussions. The report also documents instances where individuals have traded sex without condoms following police confiscation.** A 2012 report from Human Rights Watch, entitled *Sex Workers at Risk; Condoms as Evidence of Prostitution in Four US Cities*, reports that sex workers in New York are terrified to carry condoms, and are putting themselves at risk by not using condoms because they are afraid of arrest.

The No Condoms As Evidence bill (A2736/SB1369) was introduced by Senator Velmanette Montgomery and Assembly Member Barbara Clark. A hearing on a New York City Council resolution in support of the legislation was held earlier this week. Video and testimony of the hearing are available at: <http://www.nocondomsasevidence.org/hearing-testimony/>