

ASSEMBLY BILL

No. 1677

**Introduced by Assembly Member Koretz
(Coauthor: Assembly Member Goldberg)**

February 22, 2005

An act to add Section 5012 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1677, as introduced, Koretz. Corrections: condom distribution.

Under existing law, the Director of Corrections is responsible for the administration of the state prisons. Existing regulation prohibits inmates from participating in illegal sexual acts.

This bill would require the director to allow any nonprofit or health care agency to distribute sexual barrier protection devices, as specified. The bill would state that the distribution of those devices shall not be considered a crime nor shall it be deemed to encourage sexual acts between inmates. The bill would specify that possession of one of those devices shall not be used as evidence of illegal activity for purposes of administrative sanctions. The bill would require the director to develop a disposal plan for used devices.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5012 is added to the Penal Code, to
- 2 read:
- 3 5012. (a) The Director of Corrections shall allow any
- 4 nonprofit or public health care agency to distribute sexual barrier
- 5 protection devices such as condoms and dental dams to inmates.

1 Any agency that distributes those devices shall be subject to all
2 relevant laws and regulations regarding visitors to correctional
3 facilities.

4 (b) The distribution of those devices shall not be considered a
5 crime nor shall it be deemed to encourage sexual acts between
6 inmates.

7 (c) Possession of a device distributed pursuant to subdivision
8 (a) shall not be used as evidence of illegal activity for purposes
9 of administrative sanctions.

10 (d) The director shall develop a plan for the disposal of used
11 sexual barrier devices that protects the anonymity of inmates and
12 the health of correctional officers.