



## Legislation Text

---

**File #:** Res 0923-2019, **Version:** \*

---

### Res. No. 923

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S2253-A654, which would repeal section 240.37 of the New York Penal Law, loitering for the purpose of engaging in a prostitution offense.

By Council Members Rivera, Cumbo, Torres, Dromm, Chin, Ayala, Rosenthal, Van Bramer, Constantinides, Kallos, Richards, Menchaca, Adams, Gibson, Lander, Reynoso, Levin, Barron, Moya, Cornegy, Louis, Grodenchik, Powers, Cohen, Levine, Ampry-Samuel, Koslowitz, Rose, Brannan and The Public Advocate (Mr. Williams)

Whereas, One-hundred and twenty-six people were arrested in 2018 in New York City for violating Penal Law 240.37, loitering for the purposes of engaging in prostitution, according to information provided by the New York Police Department; and

Whereas, Such arrests more than doubled from the previous year, in which only 47 people were arrested for this offense; and

Whereas, According to the Legal Aid Society of New York, Arrests under this law have disproportionately targeted black and Latina women;

Whereas, Police records have demonstrated that law enforcement officers use the manner of a person's dress as an indicator of whether they are engaging in prostitution; and

Whereas, Criminalizing the way women act and dress should have no place in state law; and

Whereas, Police records have also demonstrated that possession of contraception is used as an indicator of whether a person is engaging in prostitution; and

Whereas, According to the Human Rights Watch, using condoms as an indicator of being engaged in prostitution poses a significant threat to public health by discouraging the use of tools that address HIV prevention and sexual reproductive health; and

Whereas, The law fails to effectively identify those who are engaged in the sex trade, and instead relies on stereotypes and archaic views of sexuality; and

Whereas, Involvement in the criminal justice system can have devastating effects, including loss of employment and deportation; and

Whereas, Under section 212 of the Immigration and Nationality Act, a person is ineligible for documented status if they have engaged in prostitution within ten years of the date of application; and

Whereas, Immigration and Customs Enforcement (ICE) has patrolled human trafficking intervention courts, with the goal of deporting individuals charged with prostitution offenses; and

Whereas, S2243/A-654, sponsored by Senator Hoylman and Assembly Member Paulin, would repeal Penal Law 240.37 ; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the governor to sign, S2253-A654, which would repeal section 240.37 of the New York Penal Law, loitering for the purpose of engaging in a prostitution offense.

LS  
5/22/19  
AS/CA