



## Legislation Text

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**File #:** Res 1379-2020, **Version:** \*

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### Res. No. 1379

Resolution calling on the New York State Legislature to pass, and the Governor to sign, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender X option.

By The Public Advocate (Mr. Williams)

Whereas, The Office of Court Administration's Securing Order form (the form) collects basic demographic information about a criminal defendant at arraignment; and

Whereas, The form features a question with a check box for female and male only and auto-filled with information contained in the New York City Police Department and the District Attorney's paperwork where gender markers are frequently marked incorrectly as defendants are unable to self-identify; and

Whereas, Consequently, this strict binary option excludes New Yorkers who do not identify as male or female, or do not wish to identify; and

Whereas, In an effort to be inclusive, the New York court system announced last year its plan to expand the gender options on jury forms to be more inclusive of New Yorkers who do not identify as male or female; and

Whereas, The new jury form, according to the New York court spokesman Lucian Chalfen, would include the gender options female, male, transgender, non-binary, intersex and other; and

Whereas, The Office of Court Administration has not made a similar public announcement about the Securing Order form; and

Whereas, States and cities have moved to expand gender options on state-issued identification documents to acknowledge the existence of intersex, transgender, and non-binary individuals; and

Whereas, For example, at least fourteen states, including the District of Columbia, offer a gender X

option on driver's licenses, so people who do not identify as female or male can choose X instead; and

Whereas, New York City began offering a gender X option on birth certificates last year, allowing New Yorkers to make changes to their birth certificate to reflect a gender X designation without physician authorization; and

Whereas, Updating the Securing Order form to reflect a gender X option would bring New York a step closer in recognizing the rights and dignity of intersex, transgender, and non-binary New Yorkers; and 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, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender x option

LS14268  
4/1/2020  
KMD