



Legislation Text

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Int. No. 152

By Council Members Cabán, Hudson, Hanif, Gutiérrez, Brewer and Restler

A Local Law in relation to extending the minimum duration of and updating other requirements pertaining to the task force created to address policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Section 1 of local law number 145 for the year 2019 is amended to read as follows:

Section 1. a. Definitions. For purposes of this local law, the term “correctional health services” means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the department of correction. When the responsibility is contractually shared with an outside provider, this term shall also apply.

b. The board of correction shall convene a task force to review the department of correction’s policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction’s custody.

[b.] c. Such task force shall consist of a representative appointed by the speaker of the council and a representative from each of the following who shall serve at the pleasure of the appointing [agency] officer: the department of correction, correctional health services, the commission on human rights, the mayor’s office to end domestic and gender-based violence, and the [nyc] NYC unity project within the office of the mayor or similar organization[, and the council]. Such task force shall also include at least one representative from each of the following categories, appointed by the board of correction: (i) formerly incarcerated individuals; (ii) individuals formerly or currently incarcerated in the transgender housing unit of the department of correction,

to the extent practicable; (iii) service providers that address transgender, gender nonconforming, non-binary, and intersex individuals in the custody of the department of correction; and (iv) local and national organizations that address issues related to transgender, gender nonconforming, non-binary, and intersex individuals. Members of such task force shall elect a chair from among such members.

[c.] d. Any vacancies in the membership of [the] such task force shall be filled in the same manner as the original appointment. All members shall be appointed to [the] such task force within 60 days of the effective date of this local law.

[d.] e. Members of [the] such task force shall serve without compensation and shall meet no less often than on a quarterly basis.

[e.] f. Prior to each meeting of such task force, the members of such task force shall set an agenda for such meeting and prepare a list of questions for the representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section, which agenda and list shall be delivered to all members of such task force within 7 days prior to such meeting. The representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section shall present at such meeting information on transgender, gender nonconforming, non-binary, and intersex individuals in the custody of the department of correction that is responsive to the questions prepared pursuant to this subdivision.

g. In addition to presenting the information required pursuant to subdivision f of this section, representatives from the department of correction and correctional health services appointed pursuant to subdivision c of this section shall provide updates at each meeting of such task force on:

1. Any changes to the rules or policies of the department of correction related to the treatment or housing of transgender, gender nonconforming, non-binary, or intersex individuals in the custody of the department of correction; and

2. Each instance in which a transgender, gender nonconforming, non-binary, or intersex individual in the custody of the department of correction was involuntarily moved from one housing unit within such department to another since the last meeting of such task force.

h. Within one year of the formation of [the] such task force, such task force shall submit a report containing recommendations regarding policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody, and a summary of key findings to the department of correction, mayor and the speaker of the council. Within 90 days of receiving such report, the department of correction shall provide a written response to the board of correction, the mayor, and the council. Each such written report shall be posted on the department of [correction] correction's and the board of correction's websites in a format that is searchable and downloadable and that facilitates printing no later than 10 days after it is delivered to the mayor and the council. [The] Such task force shall continue to submit yearly reports thereafter until its termination.

[f. The] i. Such task force shall terminate by determination of the board of correction, but no earlier than one year after the issuance of a [final] fifth yearly report[, to be submitted in the year 2024]. Any time a new correctional facility is built, the board of correction shall have the option to reconvene [the taskforce] such task force for the purpose of reviewing implementation of policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in such facilities.

§ 2. This local law takes effect immediately. The task force established pursuant to local law number 145 for the year 2019 shall meet within 90 days of such effective date to elect a chair as required by section one of this local law and at such meeting may conduct such other business as such task force deems necessary.

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