



## Legislation Text

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**File #:** Res 0272-2024, **Version:** A

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### Proposed Res. No. 272-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5478 /S.1049 to enact the Gender Identity Respect, Dignity and Safety Act, which would allow for appropriate treatment and placement of incarcerated people based upon their gender identity

Council Members Bottcher, Hudson, Cabán, Hanif, Gutiérrez, Louis, Brewer and Stevens

Whereas, The National Center for Transgender Equality (NCTE) confirmed transgender, gender nonconforming, non-binary, and intersex (TGNCNBI) people regularly experience social and economic discrimination based upon their race, gender and immigration status; and

Whereas, The New York Civil Liberties Union (NYCLU) found TGNCNBI New Yorkers experience persistent discrimination challenges in many fundamental aspects of daily life, such as trying to earn a living, going to school, finding housing and even “safely walking down the street”; and

Whereas, A 2021 McKinsey & Co. report found transgender adults were twice as likely as cisgender adults with similar education levels to be unemployed, and when they did secure employment, cisgender employees earned up to 32 percent more money each year than their transgender counterparts; and

Whereas, According to a National Crime Victimization Survey, TGNCNBI individuals were found to be four times more likely than cisgender people to be victims of violent crimes; and

Whereas, The NYCLU found TGNCNBI individuals are more frequently policed and criminalized and therefore more likely to be at risk for incarceration than their cisgender counterparts; and

Whereas, According to the NCTE, one in six transgender people-and one in two Black transgender

women-report having been incarcerated at some point in their lifetime; and

Whereas, According to the NYCLU, TGNCNBI New Yorkers in the carceral system are increasingly and disproportionately vulnerable to acts of discrimination and violence, and are 10 times more likely to face sexual assault by fellow prisoners and guards than the general prison population; and

Whereas, According to an NYCLU survey, 95 percent of TGNCNBI respondents reported having been verbally harassed by correction staff; and

Whereas, A 2021 report by the NYCLU found TGNCNBI people being 10 times more likely to be sexually assaulted than the general prison population with 75 percent of respondents reporting at least one instance of sexual violence and assault by correction officers; and

Whereas, The NYCLU reports discriminatory policies in New York jails and prisons exacerbate abuse, misgendering and the denial of essential medical care like hormone therapy for TGNCNBI incarcerated individuals; and

Whereas, The 2022 Report of the NYC Task Force on Issues Faced by TGNCNBI People in Custody, convened by the NYC Board of Correction, determined transgender women were routinely sent and kept in men's NYC Department of Correction jail intake facilities and threatened by Correction officers with opposite-sex housing for minor rules infractions; and

Whereas, According to the NYCLU the vast majority of incarcerated TGNCNBI individuals are placed in facilities that do not match their gender identities serving to further exacerbate incidences of violence from other detainees and correctional staff; and

Whereas, A.5478, sponsored by New York State Assembly Member Emily Gallagher, and companion bill S.1049, sponsored by State Senator Julia Salazar, would increase safety for TGNCNBI individuals by

requiring New York prisons and jails to presumptively house people consistent with their gender identities unless they opt out; and

Whereas, A.5478/S.1049 would ensure facilities staff respect a person's gender identity in all contexts during incarceration including search procedures, as well as mandating access to clothing and toiletry items consistent with a person's gender identification; and

Whereas, A.5478/S.1049 would place a 14-day limit on involuntary protective custody, also known as isolated confinement, which disincentivizes individuals from reporting incidence of harassment and assault; and

Whereas, Respecting and upholding the rights of TGNCNBI people during incarceration will serve to decrease violence and save lives; therefore, be it

Resolved, That the New York City Council calls on the New York State Legislature to pass, and the Governor to sign, A.5478/S.1049 to enact the Gender Identity Respect, Dignity and Safety Act, which would allow for appropriate treatment and placement of incarcerated people based upon their gender identity.

Session 13  
LS 94459  
03/21/2025

Session 12  
CD  
LS 9459  
1/9/23