



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

State Senate Passes Hoylman Bill to Repeal 'Walking While Trans' Ban

BRAD HOYLMAN-SIGAL February 2, 2021

| ISSUE: **SENATOR BRAD HOYLMAN, SD 27, WALKING WHILE TRANS, TRANSGENDER EQUALITY**

NEW YORK -- Today, the New York State Senate passed [S.1351](#), legislation sponsored by Senator Brad Hoylman (D/WFP-Manhattan) to repeal the outdated law that allows police to stop-and-frisk trans women of color and other marginalized groups for simply walking down the street. Repeal of this law, sometimes known as the “Walking While Trans Ban,” has been a top priority for the LGBTQ+ community in New York.

Senator Brad Hoylman said: “The Senate today corrects an injustice in our penal code that has permitted law enforcement to arrest transgender women—namely those of color, along with immigrants and LGBTQ youth—simply for walking down the street and the clothes they wear. This outdated, discriminatory statute has led to hundreds of unnecessary arrests of transgender women of color and a broader culture of fear and intimidation for transgender and gender nonconforming New Yorkers.

“Thanks to the hard work and determination of the LGBTQ community—in particular, transgender and gender nonconforming New Yorkers who bravely shared their stories—New York has repealed this statute once and for all. I’m deeply grateful to LGBTQ+ advocates, including TS Candii, Bianey Garcia, Kiara St. James, Norma Ureiro and many others, for their passionate advocacy.

“We are able to pass this bill today because of the leadership of Senate Majority Leader Andrea Stewart-Cousins, who has always prioritized legislation that promotes dignity and equality for LGBTQ New Yorkers, along with Senate Codes Committee Chair Jamaal Bailey. I’m thankful for the support of my Senate colleagues Julia Salazar and Jessica Ramos, as well as for the advocacy of Council Member Carlina Rivera who passed a City Council resolution in support of this bill. Finally, I’m grateful for the efforts of Assemblymember Amy Paulin, who was instrumental in ensuring passage of this legislation in her chamber.”

Senator Jessica Ramos said: “I’m thrilled that the Senate has finally voted to repeal the Walking While Trans ban! This law has long allowed police to make discriminatory arrests based on assumptions—leading to the targeting of majority Black, Latinx, and Transgender New Yorkers. Repealing this law that only further adds to senseless mass incarceration of marginalized communities is the right thing to do, and I commend the work of the advocates and my colleague Senator Hoylman for making its removal a reality.”

Senator Julia Salazar said: “The loitering statute known as the Walking While Trans law has fueled discrimination in our neighborhoods, especially in its discrimination against Black women and trans women of color. By passing this legislation to repeal the statute, we are supporting trans New Yorkers in their right to move through the world without being harassed or criminalized.”

Councilmember Carlina Rivera said: “I want to congratulate Senator Hoylman, Assemblywoman Paulin, and all of the advocates who fought so hard for this historic repeal of the Walking While Trans ban in the State Legislature. For too long New York State has permitted police to target New Yorkers solely for their gender expression, and frankly, their existence. The stories we heard at our Council hearings on the repeal of this law and my Council Resolution we passed in support, were heartbreaking. I’m thankful today that not only will the Walking While Trans Ban be repealed, but that New Yorkers who’ve been

previously prosecuted under this law will now be able to seal their records as well, a critical change that will allow all New Yorkers to move on and live their lives free from the effects of this discriminatory law.”

The New York State Assembly is expected to pass companion legislation ([A.3355](#)) sponsored by Assemblymember Amy Paulin. Senator Hoylman and Assemblymember Paulin first introduced legislation to repeal Section 240.37 of the Penal Law in 2018.

Section 240.37 of the Penal Law was first enacted in 1976, and provided law enforcement with broad powers to stop any individual for a vague loitering offense. According to police reports, this statute was used to stop individuals for “wearing a skirt,” “waving at a car,” and “Standing somewhere other than a bus stop or taxi stand.” Data from the New York State Division of Criminal Justice Services shows that in 2018, 91% of people arrested under the statute were Black and Latinx people, and 80% identified as women.

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