



NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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Senate Majority To Repeal ‘Walking While Trans’ Law

(Albany, NY) The Senate Democratic Majority will pass legislation repealing the outdated 1970’s law known as ‘Walking While Trans.’ The existence of this law has led to discriminatory enforcement by targeting women from marginalized groups, that are at high risk for sex trafficking and other exploitation and abuse.

“The Senate under my leadership has made it clear we stand for equality and justice. For too long this loitering statute has been used to target LGBTQ people, communities of color and victims of sex trafficking. The Senate will be repealing this law,” **Senate Majority Leader Andrea Stewart-Cousins said.** “I thank Senator Hoylman and advocates who have helped make this happen. By repealing the Walking While Trans Law we are creating a safer New York for people in the LGBTQ+ community.”

The legislation advanced by the Senate Majority, Senate bill [S.1351](#), sponsored by Senator Hoylman, repeals the crime of Loitering for the Purposes of Engaging in Prostitution.

Bill Sponsor, Senator Brad Hoylman said, “Today, we’re striking from the books a law that for decades has allowed law enforcement broad discretion to arrest transgender woman, immigrants and LGBTQ youth simply for what they look like, the clothes they’re wearing, or where they are standing. This outdated and discriminatory law has led to thousands of unnecessary arrests and a broader culture of fear and intimidation for transgender and gender nonconforming New Yorkers, particularly for those of color. Transgender activists, human rights organizations, anti-trafficking advocates and district attorneys all agree it’s time to end the the ban on ‘walking while trans.’ I’m grateful to Senate Majority Leader Andrea Stewart-Cousins for prioritizing this legislation and always working to protect the dignity and equality of LGBTQ New Yorkers, along with my Democratic colleagues in the Senate and Assembly sponsor Amy Paulin.”

Senate Deputy Leader Michael Gianaris said, "I am so proud our Senate Majority continues to fight for the dignity of trans New Yorkers. Wearing what you want, walking where you wish, and gathering in places of your choice are fundamental aspects of New York life that we must protect for our trans neighbors."

Senator Jamaal Bailey said, “Penal Law Section 240.37 has been misused by law enforcement to unfairly profile people, and accuse them of engaging in illicit activity, largely on the basis of nothing more than their appearance. Sadly, the individuals who have been disproportionately targeted the most have been Trans women of color. This statute is discriminatory on its face, and the time has come to do away with a vague relic of years past. The repeal of this section of the law, given the moniker of ‘Walking While Trans,’ as it again has been used disproportionately against members of the Trans/LGBTQ community, is a long-awaited victory for all New Yorkers. I would like to thank Majority Leader Andrea Stewart-Cousins for recognizing that this repeal was necessary and Senator Brad Hoylman for his steadfast leadership and advocacy on this critical piece of legislation.”

Senator Alessandra Biaggi said, “For far too long our penal code has disproportionately criminalized trans women of color for simply existing, and has threatened the safety of LGBTQ+ communities across the state. The repeal of the Walking While Trans Ban is a critical step forward in protecting trans New Yorkers and communities of color, and it is a true honor to join my colleagues in passing this legislation. I extend my deepest gratitude to Senator Hoylman for his leadership on this issue, and to the trans New Yorkers who tirelessly fought to move this bill forward.”

Senator Jabari Brisport said, "I am incredibly excited about this important step towards eliminating the multitude of New York laws that exist solely or primarily to justify police harassment of marginalized people."

Senator John E. Brooks said, "It is our duty as lawmakers to not only speak out against bigotry but to actively work to eliminate any statute that allows people to be harassed and discriminated against."

Senator Michelle Hinchey said, “I proudly stand in support of repealing the ‘Walking While Trans’ law, New York's outdated and discriminatory anti-loitering statute that has been used to profile, harass, and arrest trans women and people of color for decades, simply for existing in public spaces. Today, we put an end to this abusive law and strengthen our commitment to creating a New York that protects the rights and safety of all people. I want to thank the bill sponsors, Senator Brad Hoylman and Assemblywoman Amy Paulin, and all of the advocates who have led this fight.”

Senator Robert Jackson said, "This bill is a long time coming. The Walking While Trans ban has criminalized our trans and gender non-binary (TGNB) community for decades, especially those who engage in sex work. These people have been charged simply for walking outside! Repealing this discriminatory statute is the first step of many toward making this world a better and safer place for our TGNB siblings. I thank all the advocates who kept up the pressure on us to do the right thing, and to Senator Hoylman and Majority Leader Stewart-Cousins for their courage to get this bill across the finish line in our chamber."

Senator Anna M. Kaplan said, “When it becomes clear that a section of the law is being abused to unjustly target vulnerable individuals in our community, it falls to lawmakers to correct the problem and prevent further injustice from taking place. With the repeal of the ‘Walking While Trans Ban,’ we’re removing a broken law that didn’t make anyone safer, and caused transgender New Yorkers undue hardship and suffering for far too long. I congratulate Senator Brad Hoylman for this achievement, I applaud the hard-working activists who fought for this day, and I thank our Majority Leader Andrea Stewart-Cousins for prioritizing measures that protect justice for New Yorkers.”

Senator Tim Kennedy said, “With the passage of this important legislation, the Senate is sending a powerful message: we will continue to dismantle the archaic laws that overwhelmingly and unjustly target women of color and the LGBTQ community. I’m a proud co-sponsor of this bill, and I thank Majority Leader Andrea Stewart-Cousins and Senator Brad Hoylman for advancing this critical reform.”

Senator Liz Krueger said, “It is high time that New York State ended the unnecessary and discriminatory “walking while trans ban.” This law has never been more than an excuse for police harassment of some of the most vulnerable New Yorkers, especially cisgender and trans women, and people of color. I am proud to join Senator Hoylman and my colleagues in the Majority in voting to repeal this relic of the past, and making New York a fairer state for all.”

Senator Shelley Mayer said, “Thank you to all of the advocates in my district and statewide who called, wrote emails, and sent us letters urging that the state legislature ensure justice for transgender New Yorkers by repealing the ‘Walking While Trans’ law. I am proud to have sponsored this bill and stand with the LGBTQ+ community as we continue to make New York State safer for transgender people, and particularly for trans people of color who have been subject to abuse under this statute. The past year brought many issues to the forefront that had been festering and plaguing our society, including disparate use of criminal laws. Repealing

the ‘Walking While Trans’ bill is an important step in rectifying a long standing injustice in the criminal justice system. I also thank the District Attorney’s Association of the State of New York for their support for this bill.”

Senator Zellnor Myrie said, "The Walking While Trans Ban exposes people across New York-- especially Black and Brown transgender people-- to unfair profiling, harassment and arrest by the police. Police misconduct must be rooted out-- discrimination against anyone in our society is an affront to everyone. I am grateful to Senator Hoylman and my colleagues for passing legislation to repeal this unfair law."

Senator Jessica Ramos said, “Thrilled that the Senate is taking this important step to curb police abuses by finally repealing 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 Elijah Reichlin-Melnick said, "I am proud to support the repeal of the ‘Walking While Trans’ law which has been used to harass and prosecute transgender New Yorkers for far too long. Contrary to fearmongering and bad-faith attacks by those seeking to spread disinformation, S1351 does not legalize prostitution or make our state less safe, since there are many other charges available to crack down on prostitution. Instead, this bill sends an important message to the trans community that the legislature will no longer tolerate discrimination based on gender identity."

Senator Gustavo Rivera said, “Women, particularly trans women of color in New York City, have been callously targeted and demeaned by law enforcement due to their appearance under this antiquated and unnecessary law for too long. I applaud Senator Hoylman for championing this important bill, which will put an end to the criminalization of marginalized New Yorkers while in public places. The passage of this bill brings us one step closer to ensuring LGBTQ+ and gender non conforming New Yorkers are treated with the respect and dignity they deserve."

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.”

Senator Luis Sepúlveda said, “Today’s passage to repeal the so-called ‘Walking While Trans Ban’ comes after years of powerful activism and leadership. Transwomen and particularly women of color, have been disproportionately targeted, disparaged, unjustly profiled, and violently attacked for merely walking down a street. The time to end this discriminatory statute is now. We stand with and will protect our LGBTQ communities as we fight for dignified laws centered on equality and justice and not on inciting prejudicial violence and unwarranted arrests.”

TS Candii, Executive Director of Black Trans Nation, said, “Repeal & seal the Walking While Trans Ban is a stepping stone to equality in the state of New York. We are walking into a new beginning. We are grateful our humanity is becoming acknowledged. We are beginning to unravel our existence out of the criminal justice system.”

Geoffrey L. Wertime, Co-Chair of the New York City Bar Association Lesbian, Gay, Bisexual, Transgender, and Queer Rights Committee, said, “The New York City Bar Association is proud to finally see the repeal of New York Penal Law § 240.37. The law, which has faced opposition from its inception in 1976, is vague and overbroad, while police enforcement lacks clear guidance. This repeal will advance a more

equitable New York by reducing the incidence of unwarranted police action against marginalized communities, in particular, women of color, both cisgender and transgender, and immigrant women.”

Sandra Doorley, President of the District Attorneys Association of the State of New York and Monroe County District Attorney, said, “On behalf of the District Attorney’s Association of the State of New York, I would like to thank New York State Senator Brad Hoylman and the Senate Majority for pursuing legislation to repeal Penal Law Section 240.37. Loitering for the Purpose of Engaging in Prostitution is an outdated statute that could be used to wrongfully profile those based on gender expression or appearance. As prosecutors, we do not aim to penalize those who are already being victimized or sexually exploited, which is why District Attorneys across the State of New York actively support the ongoing commitment of resources to victims of sex trafficking. Many of these resources are very much needed and have been effective in connecting those involved in the sex trade with the resources that enable them to address their needs and prevent further trafficking and abuse.”

Erika Lorshbough, NYCLU Deputy Policy Director, said, “With the State Legislature finally passing the repeal and seal of the Walking While Trans ban, it is a human rights imperative for Governor Cuomo to sign it into law. Since 1976, law enforcement has used this constitutionally dubious statute to target Black and Brown cisgender and transgender women for merely having the audacity to exist in public spaces. As a result, thousands of New Yorkers are irreparably harmed by records which impact their ability to access housing, education, and employment. The Walking While Trans ban is one of the most nefarious stop-and-frisk laws for women of color, and it is past time for Governor Cuomo to repeal the ban and seal prior convictions.”

Nassau County District Attorney Madeline Singas said, “As we work to promote confidence and trust in law enforcement and our criminal justice system it’s important that we be clearheaded about the laws and policies that protect our communities, and those that can be abused to cause harm. No one should be profiled for their clothing, gender identity or expression, but data make clear that marginalized individuals—especially trans women of color—have been harassed, exploited, and unjustly charged with ‘loitering for the purpose of engaging in prostitution,’ and I strongly encourage the State Legislature to repeal this law. Violence and abuse victimizing our trans neighbors occurs at an alarming rate, and we must do more to protect them. The repeal of the ‘walking while trans’ law is an important step and I commend the leaders who have championed this issue so tirelessly.”

Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at The Legal Aid Society, said, “New York State is only a pen stroke away from finally relegating this biased law to the history books, one that has stigmatized and dehumanized Black and Brown TGNC individuals, sex-trafficking victims, and sex workers for over 40 years. The Legislature has done its part, and now Governor Cuomo must keep the promises that he has made on this issue and enact this legislation into law at once. Both the repeal and sealing provisions are critical to remedy past harms and necessary to ensure that race and gender presentation are not further criminalized.”

Anita S. Teekah, Esq., Senior Director, Anti-Trafficking Program Safe Horizon, said, "Though New York's loitering statute purports to target those loitering for the purposes of engaging in a prostitution offense, it is one-sided in targeting solely the sellers of commercial sex. Given not only the irrelevance, but also the multitude of harmful consequences stemming from this bill, we strongly support Walking While Trans and thank the Senate Democratic Majority and Senator Hoylman for advancing this legislation. We believe that women everywhere, especially trans women of color, should be able to live their lives free from intolerance, violence and discrimination, and access the services they need to recover from past victimization and abuse."

Kiara St. James, New York Transgender Advocacy Group, said, “Thank you Senator Brad Hoylman, for continuing to be a champion for the TGNC community, We are seeing history being made in regards to Trans rights being prioritized and the passage of this bill will improve the quality of life for all New Yorkers, and especially of Black and Brown Trans women who have historically been targeted and unduly profiled simply for our existence.”

Norma Ureiro, member of Make the Road New York, said, “This day marks a historic victory for trans women in New York who have led the fight to repeal the Walking While Trans ban. For far too long this racist and transphobic statute criminalized trans women like me for simply expressing our gender. I am so happy that from now on we will be able to walk freely down the street without fearing that the police will harass or arrest us. Many times we went up to Albany to have our voices heard and today I thank lead sponsors Senator Hoylman and Assembly member Paulin and legislative leaders Andrea Stewart-Cousins and Carl Heastie for getting us past the finish line. We urge Governor Cuomo to sign this legislation into law immediately.”

Katie Schaffer, Director of Advocacy and Organizing at Center for Community Alternatives, said, "For decades, law enforcement has used the Walking While Trans Ban to target, harass, and criminalize trans and gender non-conforming women of color. With the repeal of this statute, New York's legislature takes an important step towards prioritizing community safety over police power, and we call on the Governor to sign the bill at once. Meanwhile, the legislature must continue to focus on addressing the harms of mass criminalization to Black, brown, LGBTQ, immigrant, and low-income New Yorkers by passing the full Justice Roadmap."

Tanya Asapansa-Johnson Walker, Co-Chair Equality New York, said, “We are so excited to repeal the Walking While Trans statute. This will allow greater access to employment, housing, immigration status, and much more for New Yorkers. We are one step closer to enabling Transgender people to live their truth with dignity and pride. We couldn’t have done this without the tireless advocates and leadership from Hoylman and Paulin.”

Cecilia Gentili, The New Pride Agenda Board Co-Chair, said, “Walking down the street is not a privilege--it's a right! For far too long, NYers, especially Black and Brown trans people, have been targeted by law enforcement under the ‘loitering for purposes of prostitution’ statute. Stopped and frisked--detained and humiliated. The state of New York's repeal of this regressive law is a huge step towards realizing our communities progressive values. NEW Pride Agenda salutes the tireless activists, organizers, and elected officials--especially Senate Majority Leader Andrea Stewart-Cousins and Senator Brad Hoylman--who made this possible.”

Anne Patterson and Michael Polenber, Co-Chairs, Downstate Coalition for Crime Victims, said, "The Downstate Coalition for Crime Victims, a consortium of survivors, victim advocates, service providers, prosecutors, law enforcement and government agencies, supports S.1351/A.3355 (aka the "Walking While Trans" bill) which would repeal the criminal charge of "loitering for the purposes of prostitution" from the NYS criminal code. This offense has long been disproportionately enforced against women of color, particularly trans women of color, and involves them in a criminal legal system that is often punishing and traumatizing. The criminal offense does little if anything to create safer streets, and should be eliminated as soon as possible."

VOCAL-NY Civil Rights Union Leader Jovada Senhouse, said, “This is great news. We are always fighting for all people to be treated with dignity and respect, including our trans sisters who have fought to get this bill passed so they aren’t profiled and harassed by the police.”

Jillian Modzeleski, Senior Trial Attorney in the Women’s Defense Project at Brooklyn Defender Services, said, "We applaud the state legislature for at long last voting to repeal the Walking While Trans ban. Since its enactment, this statute has disproportionately been used to arrest Black and Latinx transgender and cisgender women and LGBTQ people for simply existing. The police use it as a pretext to stop and frisk people simply for standing on the sidewalk, hailing a cab, or going to and returning from work. Enforcement of the law, if not the law itself, is patently sexist, racist, and transphobic. Repealing NYPL 240.37 is a racial justice issue and a gender justice issue. This bill importantly allows people who have been criminalized under this archaic law to have their records sealed, allowing people to finally move forward without being unfairly burdened with the numerous employment and immigration consequences that violations bring. We thank the trans leaders and

advocates who made this a reality, as well as legislative champions Senator Brad Hoylman and Assembly Member Amy Paulin, and we urge the Governor to urgently sign this bill to end this gender-based stop-and-frisk.”

Hon. Judy Harris Kluger, Executive Director of Sanctuary for Families, said, “Sanctuary applauds the Senate’s repeal of the Walking While Trans law and thanks Senator Brad Hoylman for his leadership. For decades, law enforcement has enforced Penal Law §240.37 arbitrarily, using it as a discriminatory tactic to target already marginalized communities at risk of abuse and exploitation. We commend the New York State Legislature for moving decisively to repeal this harmful law and hope the legislature will continue to pass legislation that protects and supports people in the sex trade this session.”

Lorelei Lee, Justice Catalyst fellow, Bella Project for People in the Sex Trades, Cornell Law School Gender Justice Clinic, said, "This is a victory for New York's sex worker rights, LGBTQ+, TGNC, and racial justice movements, and a tribute to the Black and brown, sex working, and TGNC community leaders who have worked tirelessly for years toward this bill's passage. Today, New York moves in alignment with the national demand to end the criminalization of poverty, the criminalization of Blackness, the criminalization of informal labor including sex work, and the criminalization of queerness. The sex workers' rights project at the Cornell Gender Justice Clinic applauds this move."

Laurette Mulry, President of the Chief Defenders Association of New York, said, “This bill would end the use of the penal code (Section 240.37) as a pretext for profiling and prosecuting women of color -- transgender women, in particular. In striking this provision from the law, the legislature serves justice and fairness.”

Deb Lolai, Supervising Attorney in the LGBTQ Defense Project at The Bronx Defenders, said, “We applaud the Senate's passage of S1351, which will repeal New York's 'Walking While Trans' law. This bill is a critical step toward eliminating enmeshed penalties -- such as reduced access to employment, fewer housing options, and punitive immigration consequences -- for transgender people, and in particular transgender women of color, who have been profiled and criminalized for simply existing in a world that feels threatened by their presence. The Senate has acted, and we now call on Governor Cuomo to sign the repeal immediately.”

Kelsey Louie, CEO of Gay Men’s Health Crisis (GMHC), said, “Harassment and discrimination are among the drivers of the HIV epidemic among transgender and gender non-conforming people, especially trans women of color. All New Yorkers should be able to walk down the street without fear of being profiled simply for who they are and how they look. This new law will help reduce the persistent marginalization of these communities that has been a barrier to healthy lives.”

Alice Fontier, Managing Director of Neighborhood Defender Service of Harlem, said, “The Walking While Trans Ban weaponizes the state against trans people, especially trans women of color. Today’s repeal makes New York a more just and inclusive place, and we are grateful to the activists, community leaders and legislators who made it possible. We must build on this victory and ensure dangerous, unjust police surveillance and activity does not continue. We stand with the trans community and our Black and brown neighbors in committing to giving this repeal teeth by holding police misconduct to account and by demanding an end to over policing and oversurveillance.”

Stan Germán, Executive Director of New York County Defender Services, said, “The repeal of the Walking While Trans ban was long overdue. We applaud the New York State Senate and Assembly for passing this legislation. For too long, NYPD relied on Penal Law 240.37 to profile, harass, and criminalize women of color, especially trans women of color. Today we strip this ugly and discriminatory law from our books and allow people who were harmed by it to have past convictions sealed. We urge the Governor to sign this bill immediately.”

Beverly Tillery, Executive Director of the NYC Anti-Violence Project, said, “In July of 2019, AVP included repealing the loitering for the purpose of prostitution statute as one of the demands in seeking accountability and justice for the death of Layleen Polanco. This law, more commonly know as Walking While Trans ban, has been broadly used to target, harass, and discriminate against trans and gender non conforming people and profile them as sex workers — trans women of color like Layleen. TGNC people have been picked up and arrested, some facing police violence while being detained, for over four decades under this law. Repealing Walking While Trans ban is an important and necessary step towards decriminalizing and decarcerating trans and gender nonconforming communities, and keeping our communities safer. We urge Governor Cuomo to act swiftly and sign the repeal of this discriminatory and unjust law.”

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