



## Legislation Text

---

**File #:** Int 0887-2023, **Version:** \*

---

Int. No. 887

By the Public Advocate (Mr. Williams) and Council Members Rivera, Cabán, Hudson, Louis, Restler, Abreu, Richardson Jordan, Brewer and Avilés

A Local Law to amend the administrative code of the city of New York, in relation to reporting on gender identity of individuals in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 Reporting on gender identity. a. Definitions. As used in this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of correction.

Correctional health authority. The term “correctional health authority” means the entity responsible for the delivery of health and mental health services to individuals in the custody of the department.

Department. The term “department” means the department of correction.

Gender identity. The term “gender identity” means an individual’s sense of such individual’s own gender which may be the same as or different from the sex assigned to such individual at birth.

Housing unit. The term “housing unit” means a structure or part of a structure that contains single occupancy housing units or multiple occupancy housing units, as such terms are defined in the rules of the New York state commission of correction.

Relevant organization. The term “relevant organization” means any non-governmental organization that provides reentry services pursuant to a contract with the office of criminal justice.

b. Beginning July 15, 2023, and no later than the fifteenth day of each month thereafter, the commissioner shall submit to the mayor, the speaker of the council, and the public advocate, and post on the department's website, a report containing the following information for the prior month:

1. The number of individuals in the custody of the department whose gender identity is different from the sex assigned to the individual at birth, further disaggregated by self-described gender identity including, but not limited to, transgender, gender nonconforming, non-binary, or intersex;

2. The housing units in which such individuals as described in paragraph 1 of this subdivision are currently housed and the number of such individuals housed in each housing unit;

3. The number of such individuals as described in paragraph 1 of this subdivision who objected to their current housing unit placement or applied for a different housing unit placement;

4. The number of such individuals as described in paragraph 1 of this subdivision who were denied a request for a different housing unit placement; and

5. The number of incidents involving violence against such individuals as described in paragraph 1 of this subdivision.

c. Unless otherwise precluded by law, the correctional health authority and relevant organizations shall assist the department in collecting the information enumerated in subdivision b of this section.

d. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201. If a category to be reported contains fewer than 10 individuals or contains an amount that would allow another category that contains fewer than 10 individuals to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

LS #9196/9971/10775  
11/09/22 3:04 PM