



Legislation Text

File #: Res 0117-2022, **Version:** A

Proposed Res. No. 117-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender X option

By The Public Advocate (Mr. Williams) and Council Members Hudson, Schulman, Bottcher, Cabán, Ossé, Richardson Jordan, Hanif, Brewer, Won, Restler, Krishnan, Nurse and Louis

Whereas, The Office of Court Administration's (OCA) Securing Order form collects basic demographic information about a criminal defendant at arraignment; and

Whereas, The Securing Order form features a question with a check box for female and male only and auto-filled with information contained in the New York City Police Department and the District Attorney's paperwork where gender markers are frequently marked incorrectly as defendants are unable to self-identify; and

Whereas, Consequently, this strict binary option excludes New Yorkers who do not identify as male or female, or do not wish to identify; and

Whereas, In an effort to be inclusive, the New York court system announced in 2019 its plan to expand the gender options on the jury demographic questionnaire to be more inclusive of New Yorkers who do not identify as male or female; and

Whereas, The jury demographic questionnaire now includes the gender options female, male, transgender, non-binary, intersex and other; and

Whereas, Including gender-expansive options on the Securing Order form would allow nonbinary individuals to self-assert their gender identity and indicate which binary gendered facility they would feel safest being processed and housed in before they reach the facility; and

Whereas, States and cities have moved to expand gender options on state-issued identification documents to acknowledge the existence of intersex, transgender, and non-binary individuals; and

Whereas, At least fourteen states, including the District of Columbia, offer a gender X option on driver's licenses, so people who do not identify as female or male can choose X instead; and

Whereas, New York City began offering a gender X option on birth certificates in 2019, allowing nonbinary New Yorkers to make changes to their birth certificate to reflect a gender X designation without physician authorization; and

Whereas, Updating the Securing Order form to reflect a gender X option would bring New York a step closer in recognizing the rights and dignity of intersex, transgender, and non-binary New Yorkers; and

Whereas, In addition to a gender X option, the Securing Order form should include a field indicating in which gendered-facility the person in custody would feel most safe; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender X option.

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KMD/NM
LS #4274
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LS #14268
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