

New York Repeals 'Walking While Trans' Law

[Jaclyn Diaz](#) February 3, 2021 12:45 AM ET



The new measure signed by New York Gov. Andrew Cuomo Tuesday bans an old law that resulted in decades of discrimination by police against women of color and people who are transgender.

Angela Weiss/AFP via Getty Images

New York Gov. Andrew Cuomo signed a bill Tuesday that repeals a state anti-loitering law, commonly called the "walking while trans" ban, that critics say police used to harass and arrest law-abiding trans people, in particular.

The [new measure](#) effectively takes off the books a 1976 law that sought to prohibit loitering for the purpose of prostitution. Politicians and LGBTQ advocates say the law resulted in decades of discrimination by law enforcement.

"Repealing the archaic 'walking while trans' ban is a critical step toward reforming our policing system and reducing the harassment and criminalization transgender people face simply for being themselves," Cuomo [said](#) in a statement.

Advocates for repealing the anti-loitering law said it had previously been used with a broad definition that police used to justify the arrest of someone because of the clothes they wore or where they stood on the street.

"New Yorkers have been fighting for years to end what has become stop-and-frisk for transgender women of color, and the Walking While Trans ban enabled the profiling and arrest of transgender New Yorkers for doing nothing more than standing or walking on the street," said Human Rights Campaign President Alphonso David in a statement.

Data show discrimination

New York State Senator Brad Hoylman, the lead sponsor of the bill, citing police reports [said](#) that the 1976 statute was used to stop people for "wearing a skirt," "waving at a car," and "standing somewhere other than a bus stop or taxi stand."

Hoylman, citing data from the New York State Division of Criminal Justice Services, said that in 2018, that 91% of people arrested under the statute were Black and Latinx, and 80% identified as women.

The governor's signature eliminates the law for the entire state. But changes

had already started taking shape prior to the Tuesday repeal of the ban.

In 2016, the Legal Aid Society [filed](#) a civil rights lawsuit against New York City on behalf of women of color, many of whom are transgender, who were wrongly arrested under the statute. Three years later, the case was settled and the New York Police Department agreed to revise its Patrol Guide section on the penal law code.

And local district attorneys, one as recently as last week, had voluntarily stopped enforcing the law, due to its discriminatory impact.

Brooklyn's District Attorney Eric Gonzalez [announced](#) his office would vacate "walking while trans" bench warrants and the underlying charges in the borough.

The first batch includes 262 warrants dating back to 2012, which were vacated last week, with their underlying cases dismissed. Older warrants are planned for dismissal at a future date.