

TUESDAY, FEBRUARY 2, 2021

1:13 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led members and visitors in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, February 1st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of Monday, February the 1st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd just like to take an opportunity to share a quote for today. This quote is from the song Lift Every Voice and Sing, which is often called the National Black Anthem. It was written as a poem by NAACP leader James Weldon Johnson in 1871. It was set to music by his brother, Raymond Johnson, in 1873 and in 1899, it was first performed in the public by the Johnson's hometown of Jacksonville, Florida as a part of a celebration of Lincoln's Birthday on February the 12th, 1990 -- 1900 by a choir of 500 schoolchildren and the segregated Stanton School where James Weldon Johnson was the principal. Mr. Speaker, the words: "Stony the road we trod, bitter the chastening rod felt in the days when hope unborn had died. Yet with a steady beat, have not our weary feet come to the place for which our fathers sighed? We have come over a way that with tears has been watered. We have come, treading our path through the blood of the slaughtered. Out from the gloomy past, till now we stand at last, where the white gleam of our bright star is cast."

With that, Mr. Speaker, members should be aware, first of all, that we are multitasking as we are engaged in the Housing Joint Budget Hearing. The Chairwoman Weinstein has advised that

members who would log off of the hearing and log onto Session that your place will be held in line to ask your questions at the hearing. Members do have on their desk the A-Calendar. After we take up resolutions, our principal work for the day will be Ms. Paulin's bill, Calendar No. 77. That will be on debate. Immediately following this Session, Mr. Speaker, there will be a need for a Majority Conference and, as always, we will consult with our colleagues on the other side to see what their needs will be.

Mr. Speaker, that's the general outline, that's what we have for today. If you have any additional housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes. We will go directly to the resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 36, Mr. Fall.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 2021 as African Diaspora Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. Fall on the resolution.

MR. FALL: Thank you, Mr. Speaker. And thank you to my colleagues who co-sponsored this resolution. Back in the late 1980s, my parents immigrated from Guinea, West Africa and the very values set within the African Diaspora were instilled in me and

my siblings. Our families shared the life experiences and traditions that benefitted our friends and neighbors. This includes the type of food that we make in West Africa, the clothing that we make, and et cetera. For folks that may not know, the term "diaspora" is defined as a scattering of population whose origin lies in a separate geographical location. This is not just for Africans. Other examples include the Irish during the Irish famine, the Jews from the Land of Israel; however, when discussing diaspora, we must recognize the African transatlantic slave which we all know the impact that had on our brothers and sisters.

As a representative for the North Shore of Staten Island, I am a strong believer in community, that when we are united we can all achieve success for a better tomorrow. I also feel strongly about keeping one's heritage, values, and moral close to one's heart. Today, the current African Diaspora is making major contributions to the world, whether it's here in our House or in Washington D.C., and we continue to maintain and pass down many traditions to preserve our heritage. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

On the resolution, Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker, and thank you, Assemblymember Fall, for this resolution that you bring forth annually. I cannot think of a better way to start off Black History Month than affirming our identity as an African people. I think Dr. John Henrik Clarke, the great iconic historian, said it best when he

said, *You're not who you are based upon where the boat ships dropped you off, you're who you are based upon where the ships picked you up from.* And they picked us all up from Africa and disbursed us throughout the diaspora and sending us to the so-called "West Indies" and to the North America, South America, Central America. And as we got disbursed throughout the diaspora, we adopted the identities of the countries that enslaved us and the languages of our enslavers, English, French, Portuguese, Spanish; those are the languages we adopted. So, we sometimes are not having any unanimity of identity because we take on the language of our oppressors, the identity of the countries that oppressed us and -- or that we were dropped off in.

So as Malcolm X once said that if a cat had kittens in the oven, you wouldn't call them biscuits; they would still be kittens. So you don't change your identity as an African person based upon where you were dropped off. So we as an African people should be a proud African people, should know that the continent of Africa built the first civilizations, they gave the world mathematics, science, astrology, astronomy, built the mighty Pyramids, the mighty Sphinx, the Rock-hewn Churches of Ethiopia, we were the first to do all of this and we should be proud. As a matter of fact, our enslavement built the foundation of this racist, parasitic capitalist system, the theft of the land from the indigenous people and our enslavement is what gave the basis to the system that exists now called Capitalism.

So we are a proud African people. This is a great

resolution and we should continue to be proud of our heritage. We have beautiful people. Our dark skin, light skin, brown skin, our coarse hair, our dress, our African dress, the food we eat, the way we dance, the way we walk and talk, our brilliance. We are brilliant African people and this resolution affirms that. I vote in the affirmative, or aye.

ACTING SPEAKER AUBRY: Mr. Mamdani.

MR. MAMDANI: Thank you so much. It's always hard to follow Assemblymember Barron, but I'm going to do my best. I rise today to declare my support for this resolution and just to declare the fact that I'm a proud son of Africa, namely Uganda. I was born and raised in Kampala, Uganda in 1991, it's where my family is from and my middle name -- my full name is Zohran Kwame Mamdani, my middle name is Kwame, I'm named after the first Prime Minister of Ghana, Kwame Nkrumah, an icon for the pan-African Movement. And I would like to just register that all that I do, I will always be proud of the fact that -- that I'm Ugandan, as well as many other things. And so I thank my brother from the West for -- for bringing this resolution forward and I from the East would like to affirm my support of it.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 37, Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to declare February 2021 as Teen Dating Violence Awareness and Prevention Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Page 11, Calendar No. 3355 and -- oh, Calendar No. 77, Bill No. 3355, the Clerk will read.

THE CLERK: Assembly No. A03355, Calendar No. 77, Paulin, Seawright, Dickens, Dinowitz, Galef, Gottfried, Joyner, Pichardo, L. Rosenthal, Simon, Steck, Niou, Hevesi, Quart, Cruz, Kim, Epstein, Walker, Perry, Fernandez, O'Donnell, Carroll, Reyes, Weprin, J. Rivera, Richardson, Barron, Sayegh, Aubry, Hunter, Ramos, Taylor, Glick, Otis, Lupardo, Bronson, Bichotte Hermelyn, Fahy, Abinanti, Thiele, Jacobson, Lavine, De La Rosa, Pheffer Amato, Solages, Jean-Pierre, Magnarelli, Stirpe, Braunstein, Zebrowski, Cook, Pretlow, Darling, Davila, Nolan, Abbate, Vanel, Cymbrowitz, Benedetto, Burgos, Clark, Anderson, González-Rojas, Mamdani, Gallagher, Septimo, Burdick, Kelles, Meeks, Rajkumar, Forrest, Jackson, Sillitti, Zinerman, Lunsford. An act to amend Section 240.37 of the Penal Law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the Penal Law, the Criminal Procedure Law, the Social Services Law and the Administrative Code of the City of New York, in relation to making technical corrections relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Paulin.

MS. PAULIN: I hope my glasses don't fog up because of my mask here. The bill repeals Section 240.37 of the Penal Law which prohibits loitering for the purposes of engaging in a prostitution offense. It would also seal prior convictions.

ACTING SPEAKER AUBRY: Mr. Reilly.

You have to unmute yourself, Mr. Reilly. There you go.

MR. REILLY: Thank you, Mr. Speaker. I was trying to do that. I apologize. Mr. Speaker, will the sponsor yield?

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. REILLY: Thank you, Ms. Paulin. I have a -- a couple of questions that I would like to ask. With this legislation, has there been any community outreach to New York City Community Boards or any civic associations when it came to establishing this legislation?

MS. PAULIN: When the bill was originally -- I mean when the law was originally enacted in 1976, I really don't know.

MR. REILLY: No, I mean -- I mean the -- for this legislation to repeal it.

MS. PAULIN: We did hear from the New York City

Council that they offered a resolution based on their gathering of information. So I would assume that they might've reached out to Community Boards. I don't live in New York City so I didn't hear from any.

MR. REILLY: So in New York City, do -- do you know how many approximate locations throughout the five boroughs have known prostitution areas?

MS. PAULIN: So I can only tell you how many arrests there were in New York City last year. In New York City last year there were -- there were no arrests for -- for -- under this statute in New York City in 2020.

MR. REILLY: Do you know how many arrests there were in 2019?

MS. PAULIN: In New York City in 2019 there were 13 arrests in -- in Brooklyn. There were -- there was one arrest in Manhattan -- no, no, no. Sorry, no arrests in Manhattan. In the Bronx there was zero, in Queens there were 30 and no arrests in -- in Staten Island.

MR. REILLY: Okay. So do you know how many 9-1-1 calls there were associated to loitering for the purpose of prostitution in 2019?

MS. PAULIN: No, I don't have access to that data.

MR. REILLY: Okay. So the -- the number was 962 9-1-1 calls in 2020 and we can -- we can pretty much, I guess, assume that there were no arrests because of COVID. There were 846 9-1-1

calls associated to loitering for prostitution.

MS. PAULIN: I -- I think, sir, with all due respect, I think the reason why there's -- there were no arrests was because the prosecutors, the DAs in both Brooklyn and in Queens believed that this law was discriminatory, so they stopped prosecuting the cases and that probably led to fewer arrests.

MR. REILLY: Well, I -- I would think that when you uphold the law to -- to, you know, uphold -- you take your oath to go forward with prosecutions based on current statute, that we wouldn't just arbitrarily assume that we shouldn't do that. I know that as an officer I didn't do that. You know, unfortunately, we had to make the arrest and -- and go through with prosecutions based on current law. So, my -- my question about raising the issue of 9-1-1 calls, I think that is a testament to the community's concern given that the majority of the loitering for prostitution occurrences are fall within roughly ten communities in -- in New York City, approximately ten communities. Would you -- would you not think that that is a concern?

MS. PAULIN: Well, I think that primarily the -- the arrests that were made were in five communities, three in Queens and two in Brooklyn. And I would just say that the -- we're not repealing any of the statutes related toward prostitution or patronizing a prostitute or promoting prostitution. We're only repealing the statutes that if you look like you're going to do the activity, similarly to if you were loitering in front of a bank and you look like you were going to rob a bank, or if you were standing outside the Capitol and you look

like you were going to break in. Or, if you were standing on a street corner and you look like you were going to commit arson because you had a box of matches in your hand. That -- that's the law we're repealing. We're not repealing prostitution laws at all. We're not repealing promoting prostitution laws at all. We're not repealing patronizing prostitution at all.

MR. REILLY: Okay.

MS. PAULIN: And that's why we have the support of DASNY as we go forward with this bill.

MR. REILLY: Ms. Paulin, do you -- do you know the criteria about -- of what a police officer has to do to make an arrest for loitering for prostitution?

MS. PAULIN: I have read many, many, many of the arrest forms, I'm not sure what they're called, you know, when -- when an officer fills out the purpose of the arrest, or the rationale for the arrest, I read many of those and I was struck by a few things. In Queens in 2019, an officer made an arrest because he said the woman was showing her cervix. Now, if a woman really could show her cervix, I would think that I would arrest her for extraordinary behavior, but I would probably, if that was true, arrest her for public lewdness which is a Class-B misdemeanor. I wouldn't arrest her for the -- under this statute because it's only a violation. There's other --

MR. REILLY: Ms. Paulin --

MS. PAULIN: -- other arrest sheets that say she showed her buttocks, she showed her cleavage, she showed -- she

wore a short skirt. I didn't --

MR. REILLY: Do you know the criteria that --

MS. PAULIN: -- I did not see -- or we -- we know she was -- we know that she had been convicted of prostitution in the past. So, these are the, you know, these are the -- this is what's on the forms. So the --

MR. REILLY: So let --

MS. PAULIN: -- proof --

MR. REILLY: So, not -- I -- I understand the affidavit and I'm going to give you a little context and then with the question, as well. During my time in the NYPD, I was in the unit called the Conditions Unit, and we were charged with enforcing loitering for prostitution. I've -- I was part of the operations of making -- effectuating approximately 1,000 arrests in Midtown Manhattan due to community concerns. So, the -- the criteria that I'm asking you about is do you know how -- how the officer establishes probable cause. I'm not talking about the affidavit that's signed afterwards, I'm talking about what the criteria is on the street to actually come up with probable cause to determine that there should be an arrest effected.

MS. PAULIN: No, I would be interested.

MR. REILLY: Okay. So during a 20-minute period, the officer would have to observe the person who is suspected of being a prostitute to beckon cars, pedestrians at least three times in a known prostitution location within that 20-minute period.

MS. PAULIN: So why -- why, I'm sorry, but what I

don't understand is why can't you use the disorderly conduct statute which also has a provision in there of five -- section -- under -- under that statute that specifically speaks to cars if someone is beckoning or is stopping traffic. You know, I don't understand why you wouldn't use that statute. It's also a violation.

MR. REILLY: So -- so would we want to -- do we want to move to enforcing disorderly conduct? Would that be the appropriate method that --

MS. PAULIN: I think if someone is stopping cars, they're disrupting traffic and they could be arrested for disorderly conduct. So, I don't know why you would need this statute if someone was truly stopping cars and causing havoc that way.

MR. REILLY: Okay. So are you aware of any street gangs or crews that operate prostitution activity, especially in the known prostitution locations in New York City?

MS. PAULIN: I don't know them personally. I certainly have worked, as you probably know, in the sex trafficking arena. I've done much of the legislation that we have done collectively and I'm very proud of that. So, I know very well that there are many gangs and many pimps that operate harems of women, young women, and they -- they, you know, they have these, you know, they, you know, they promote prostitution. Yes, I'm aware of that and, in fact, that community is the reason, one of the key reasons for me as to why I'm supporting this bill. When the sex traffickers, the sex trafficking advocates came to me and they said, *You must repeal this bill, you*

must repeal it. It is hurting our girls. It is the --

MR. REILLY: Ms. Paulin, can I interrupt for a minute, please?

MS. PAULIN: Sure.

MR. REILLY: So, my -- my issue with the loitering for prostitution repeal is that you are now, with this legislation, we're going to repeal the ability to actually enforce it against those gang members that are actually running the street prostitution. Because if they're on the street and they're beckoning to moving cars and -- and people that are walking on the street, then we're actually going to be helping them by promoting prostitution and have no -- no recourse for that quality of life offense that's happening in front of someone's brownstone in Hell's Kitchen. And do you think that that's the right thing to do?

MS. PAULIN: Well, I would just say that most of the arrests are the women, or people who identify as women, transgender. It is not the promoting -- it is not the pimps, they are not on the street, they are not getting arrested under this statute. They are too clever, they hide, they let the girls get arrested. So, I do not believe that this law does anything to prevent pimps from -- from encouraging young girls to get patronized. So, it's a -- and, in fact, I turned to the experts, the -- the agencies and advocates that support sex trafficking victims and listened to them, and what they have said to me is that -- that this law, what this does is it's -- it's outright discrimination toward our population. The arrests mean that these young girls do not go to a

police officer when they want to get out of the life because they fear they're going to go right into -- to get arrested and then the pimp is going to come and take them back into the life, that -- that if we repeal this statute it would help them because when they get out of the life and they want a job, they do not have a crime involving a moral turpitude on their record, that this -- that -- that repealing this statute will only be -- will be so helpful to the sex trafficking victims and, honestly, that's what I am interested in.

MR. REILLY: Thank you, Ms. Paulin.

Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So my concern about the repeal of this legislation, as you can tell, is about quality of life. But I also want to make everyone aware, all my colleagues, that when right now in New York City, we have approximately ten locations throughout the City that are, for lack of a better word, a Red Light District. You know, by repealing this, you will be allowing that to expand to any street.

Now, why do I raise that concern? Because it brings about other crimes. Now, there were times when I was doing my working with my partners, doing observations in this loitering for prostitution scenarios and -- and one time on 47th Street and 8th Avenue in Manhattan, we were watching a prostitute approach a vehicle and two males approached that vehicle and they committed an armed carjacking. We watched it go down, we got into a foot pursuit

of those two individuals. Luckily we apprehended them with no incident and we recovered two firearms. They were from Beacon, New York. They came down to Manhattan to commit a crime. They were gang members. This is -- this is something that these communities deal with all the time. We used to get complaints of people saying they'd bring their kids to the park on the corner, Hell's Kitchen Park, 47th Street and 10th Avenue, because they'd find prostitutes there getting their Johns, going down into the vestibule of their basements of those brownstones and performing their acts. They would find things all over the street of the paraphernalia.

So when I raise those issues of 962 9-1-1 calls in 2019, that's because it's impacting the quality of life in those neighborhoods. I understand that the people that are in that trade are really succumbed to a lot of indifferences, but one thing we've got to remember that those locations that are those ten locations basically throughout New York City, they're in a confined location now and the ability to reach them with services is there. If we repeal this and they wind up going anywhere on any street, the idea of getting them resources and help is going to be much more difficult. Why did the police department lower the number of arrests? Because they realized that they need to be able to hit the resources. Arrest is the last resort, but right now, we're going to make that --

ACTING SPEAKER AUBRY: Mr. --

MR. REILLY: -- much more difficult.

ACTING SPEAKER AUBRY: Mr. Reilly, your time

is up.

MR. REILLY: Mr. Speaker, thank you for your time.

Ms. Paulin, thank you for yielding for those questions.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you. Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: I want to first thank Assemblywoman Paulin for her leadership on this bill, and so many of the advocates that have worked to advance this issue. So many others that have worked to break down systemic discrimination of the LGBTQ community that has been built up for generations. We've made great progress in this State, in this Legislature, but certain vestiges remain. This is one of those vestiges. It's an archaic statute that serves to discriminate and target transgender New Yorkers.

You know, over the past week or so, Mr. Speaker, across the State of New York and in my home district of Rockland County, I think we've seen this bill used as a wedge, a wedge to further divide our State and the residents of our State. You know, it's been used as a wedge to score cheap political points at the expense of the LGBTQ community. Mr. Speaker, with my vote here today I reject the politics of fear, I reject the politics of division. I respect -- reject the politics of pitting one person against another because make

no mistake, Mr. Speaker, that type of politics, riling up folks with exaggerations and falsehoods, tears at the fabric of our country, our State, our community, and it perpetuates the harm that is felt by marginalized communities.

Mr. Speaker, in the United States of America it should not be a crime to look like you -- like you may commit a crime. It should not be a crime to look like you may commit a crime. That is what we repeal here today and is what is harmful and discriminatory to the transgender community. I'll never truly understand the struggles of the LGBTQ community. I'll never understand the discrimination of some of my colleagues and New Yorkers across all of our districts. But I'm committed to listening, I'm committed to understanding and to learning from my neighbors in the LGBTQ community so that I can be a better legislator. So that I can work in collaboration to make New York a more equitable State, and that is why I'm so proud to stand strongly here today with the sponsor and with them to repeal this law.

Mr. Speaker, with a goal of truly listening and truly representing my constituents, I want to conclude not just with the thoughts of myself, but with the thoughts of some of the folks in my district to understand harms from laws like this. The Rockland County Pride Center is a place in Rockland County that's committed to assisting the LGBTQ community. They've spoke out strongly in favor of this repeal, and they have two folks, Alex Francisco and Loren Klein, who gave me poignant statements that I'd like to conclude with, Mr. Speaker: *Transgender, non-binary and gender expansive people*

are part -- are a vital part of the Rockland County and New York communities. We are your constituents and neighbors, beloved elders, youth, and families. This repeal is a step towards a world where all women are safe to stand in truth in public place, where all people are safe to stand in truth in public places. This repeal is a victory, and we demand more than just being allowed to exist in public space. We, like all New Yorkers, want loving families, rewarding careers, and to own homes and businesses. Transgender, non-binary and gender expansive people deserve safety, care, and the financial resources to thrive. How will you commit to building that world with us? I would commit today, Mr. Speaker, and across my service in New York State to build a better world for everyone, including my neighbors in the LGBTQ community.

And, Mr. Speaker, I will conclude with that and just say they could say it better than I ever could. So thanks once again to the sponsor, and I fully support the repeal of this harmful law.

ACTING SPEAKER AUBRY: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Will the sponsor yield?

MS. PAULIN: Yes.

MR. ANGELINO: It's nice to see you in person --

MS. PAULIN: Yes.

MR. ANGELINO: I've listened to your description, I've read the justification. I've heard our colleague also mention -- every -- you mention looks and the appearance and what a person

looks like is the reason for the law enforcement encounter. And the statute that we're getting ready to vote upon repealing mentions repeatedly stopping traffic, repeatedly accosting pedestrians, repeatedly walking into traffic to engage in conversation. Disorderly conduct would probably cover some of that, but a person is allowed to walk down the street and attempt conversations. You're aware that by repealing all of those things that I mentioned, the repeated, isn't just a borough of New York City, it's every community in New York State. In the LOB, there's a secluded elevator that has the -- the admonishment on there to not use this elevator during certain times. That's to protect us from being accosted by people on lobby days. I don't -- I can't imagine that we're going to allow this to take place anywhere in the State as Mr. -- my colleague, Mr. Reilly said. It's a huge quality of life issue for anybody who lives near that. It -- it seems like you consider every police encounter ending in arrest. They don't. You agree with that, right?

MS. PAULIN: Yeah, can I respond?

MR. ANGELINO: Please, yes.

MS. PAULIN: So, you know, when this law was enacted in 1976, OCA wrote a statement. And, firstly, the DAs took no position. The Bar, State Bar, said we believe it's not a Constitutional -- it's unconstitutional. And -- but OCA had a very interesting statement. They said, *We are concerned that because this statute says for the purposes of prostitution that it's going to be -- that -- that there's going to be times or it's often, most often going to be*

based on circumstantial evidence. And OCA was completely right, because that's -- if the person isn't offering money for prostitution when they're stopping the car, they are -- they are guilty of -- of prostitution. If a patronizer walks by and offers money, they are guilty of patronizing a -- prostitution.

So, what this statute did, the OCA was completely right, it's basically turned into stopping a car because -- and you happen to be in a prostitution prone -- you heard our colleague, Mr. Reilly, you know, you're in a prostitution prone area and if you stop a car in a prostitution prone area, you must be a prostitute. That's circumstantial evidence. OCA was right on. If you're in a prostitution zone and you're wearing a short skirt and you're beckoning to someone, you're at circumstantial evidence. What if I'm beckoning, I'm standing in Jamaica and I'm beckoning to my husband, you know, I'm beckoning to my friend, but because I am Black or transgender and I'm standing in Jamaica, I could get arrested for prostitution for doing that same behavior.

So OCA was so right on. That's exactly what -- what's going on. Do you know that so many of the arrest records -- you know what? If the woman has a condom, I thought it was a good thing to carry around a condom, that's what the public health experts tell me, but not if you're in a prostitution zone. If you're in a prostitution zone and you're a woman in a short skirt and you have a condom, you know what? You must be -- you must have a condom for the purposes of prostitution. The statute is vague on its face. It's

been used with only circumstantial evidence to -- to -- to cause the arrest and it's the only statute in New York State Law that is so vague. And why? You know, we repealed -- I did this bill. You know, we changed, we recognized, our House recognized that -- that we -- that it was gender bias when we -- the way we define prostitution in the law, that it was the only law in the books that said a prostitute instead of a person in prostitution. And we changed it because we recognized that there's a gender bias as it relates to, you know, to women in that -- in that doing that, right? So -- so we changed the law.

This is the same gender bias. It is exactly the same. The only arrests that are made, they have to have some collaborating evidence. So what's the collaborating evidence? I have a condom, she's wearing a short skirt, she's showing her cleavage. She's showing her cervix.

MR. ANGELINO: So this --

MS. PAULIN: She's showing her buttocks. You know, that's what the collaborating evidence, that's what's on the arrest because there's no way that you could tell if a woman is about to engage in prostitution from those behaviors.

MR. ANGELINO: The -- there are several examples of cases, serious cases with a conviction, for circumstantial evidence. So you can't just throw out all circumstantial evidence because of this. In 1976, situations must've been so awful that this legislative Body enacted a bill Statewide for something that probably took place in one city.

MS. PAULIN: Well they -- they did it for Times Square, you're right --

MR. ANGELINO: I -- I have some experience. I'm an Upstate police officer. I was a police chief for years, had some experience with prostitution. And it's quality of life no matter where it is. It's not the appearance. It's quality of life. Truck stops, truckers trying to get sleep in their ten-hour period, people banging on their doors trying to wake them up soliciting. So it --

MS. PAULIN: I don't -- I don't disagree --

MR. ANGELINO: Nothing about appearance.

MS. PAULIN: -- we need to address quality of life issues. I just think that we have statutes on the books to do it and this one isn't one of them.

MR. ANGELINO: What statute would cover somebody banging on the door asking if you have money enough to pay for sex?

MS. PAULIN: If they're asking if you have money, that's -- that's actually would still be against the law under -- under the prostitution Penal Code, you know, so that would also -- that -- the -- that you don't need this law to prove that. You already have prostitution laws that we're not repealing. If somebody -- all you have to do is say "money" and you're guilty of prostitution, whether you're the patronizer or you're the prostitute. Once you solicit for money --

MR. ANGELINO: I wish it were that easy.

MS. PAULIN: Well, I'm just -- I'm just saying so

under that scenario, you're -- you're not limited; in fact, you can be arresting them for a much higher level crime and I -- my understanding from the police officers I know is you try to arrest for the highest level crime you can. So I would arrest for -- for actual prostitution if I -- if I heard someone soliciting for money.

MR. ANGELINO: The officer sometimes involved in any investigation when they feel crime is afoot, is what we say, they approach the Common Law, *What are you doing here, can we help you, do you need help?* And you're telling me there's never -- you don't think prostitutes are going to think that, *This is my opportunity to get help?* No one's -- they may not be saying, *We're going to arrest you.* They may be saying -- I know officers approach people and say, *Do you need help?* Officers won't be able to do that without the -- the forcefulness of a law behind them. Sometimes these officers --

MS. PAULIN: But that's only for prostitution. There's no other law in the books for anybody else. So you're saying that only for prosecution you want the officer to be able with the force of law to go speak to someone? Can't they go speak to someone without that behind them?

MR. ANGELINO: They certainly can.

MS. PAULIN: Wouldn't the person trust them more if there wasn't some -- a way for them to get arrested?

MR. ANGELINO: The officers sometimes use that law to explain to the people, *If you can help us* -- I've heard about the high risk, I've read about the high risk. I've heard you say there is high

risk. These people are in high-risk situation, I guess from my perspective, I don't know how somebody could not want a policeman to be near them.

MS. PAULIN: But -- but we have to listen to the people who are in the high-risk situation, the sex trafficker -- the sex trafficking victims are saying this is unhelpful. You know, the women, the -- the agencies that help the sex trafficking victims are saying this is harmful. You know, so I don't know why we would -- you know, my experience is you -- you listen to the people who you're trying to help and -- and they're telling us that this is bad for them. So, if this is bad for them, then we should be repealing it and we should be relying on those people, the agencies that are helping them to tell us that.

MR. ANGELINO: Officers would love to be able to talk to them and hear them say, *I want you to get me out of this and I will help you and I will tell you did who is forcing me to do this*. And we would -- we would much rather not make that B misdemeanor arrest and go higher in the food chain and get the people who are forcing these people into that. We can't do that unless we have some sort of leverage on the person that we're talking to. *I won't arrest you if you help me go higher up the food chain*. That's a -- it's a technique that law enforcement lives by, not just prostitution --

MS. PAULIN: But, you know what, --

MR. ANGELINO: -- all cases.

MS. PAULIN: -- that -- that might be true but, you

know, if we were talking about, you know, if the girl felt protected, but she doesn't feel protected. You know, when -- you know, she goes into court and gets an appearance ticket for the violation, who's waiting for her there? The pimp. So this isn't -- this isn't -- this is not the experience that -- that the girls who have gotten out of life have. This is not that experience. Their experience is that they -- they're rescued by all kinds of people. Very often people in their own families, not -- not the police officer who is attempting that -- attempting to arrest them. That's -- that's not the leverage. You know --

ACTING SPEAKER AUBRY: Ms. -- Ms. Paulin.

MS. PAULIN: I know we have all read --

ACTING SPEAKER AUBRY: Ms. Paulin.

MS. PAULIN: -- you know, about the FB -- you know, Federal cases --

ACTING SPEAKER AUBRY: Excuse me for breaking in, Ms. Paulin. So we do have a rule when you're in the House here and debating, you have to have your mask on. That's for all members who are sitting here, and we appreciate how difficult it is to communicate with them, but that is what the rule is. And if you -- you know, if that's difficult then you can always do it via Zoom. But if you're in the House, then you have to have a mask on. That's all of us. So I appreciate your understanding. It is for your health and the health of the rest of the members who are here, so...

MR. ANGELINO: Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, sir.

MR. ANGELINO: I appreciate Ms. -- on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: I appreciate the sponsor's passion for this --

ACTING SPEAKER AUBRY: And you have to have your nose covered, too. It isn't -- you've got to go the whole route.

MR. ANGELINO: The jaw -- gives me problem with that.

ACTING SPEAKER AUBRY: I know. It is tough, I realize it.

MR. ANGELINO: I appreciate the sponsor's passion, and I know in her heart she -- she wants this to happen. I -- I think this is a bill that's repealing a law Statewide that's going to make this legal for those activities, repeated activities I mentioned to be legal in the State. I -- I think this is more of a law enforcement procedural thing. After two decades of community policing, I believe that the -- that we could contact law enforcement officials and have them modify their behavior if they're going after appearances of people, which is some people consider profiling, and just stick with the activity. But I think this is a law enforcement procedure not a legislative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir. And thank you guys for complying.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BICHOTTE HERMELYN: First I want to thank the sponsor of this bill, Ms. Paulin, who's been fighting to repeal this discriminatory law. This bill that would repeal the archaic Walking While Trans Law, a law passed in the late '70s allowing officers to apprehend individuals, overwhelmingly women, on suspicion that they are loitering for the purpose of sex work. Transgender women, and particularly transgender women of color, are disproportionately targeted this way, including women of color, cisgender and immigrant women. In my community, Brooklyn, Flatbush, many individuals have been wrongfully profiled this way and I want to thank our trans advocate, especially TS Candii, who is from Flatbush, leader of Black Trans Nation for her work championing the repeal of this law.

Vulnerable and marginalized groups that are at higher risk of sex trafficking and other forms of exploitation and abuse must not be targeted; in fact, police rarely arrest New Yorkers for this crime. Most law enforcement agencies have abandoned using this law and rely on other measures such -- such as disorderly conduct charges to address disruptive individuals and, of course, prostitution charges for those who offer or solicit promote paid sexual activity. But that doesn't mean that this law can't be abused, particularly in instances

where individuals are targeted, but not ultimately convicted under Section 240.37. Countless transgender women, particularly, again, women of color, have been detained, harassed, and falsely accused under this archaic law and allowing even a single person to suffer unjustly because of this outdated statute is unconscionable.

In this year, 2021, there's no reason that people should still be profiled and policed based on how they look or dress without any proof of wrongdoing or illegality. Repealing this archaic law will bring us one step closer to ending discrimination against trans women, women of color, but our -- our work is far from over. Again, I want to thank the sponsor of this bill and all the advocates, the LGBTQ advocates and community as they continue to be an ally to partner in the fight for the rights of the LGBTQ community and for the rights of all New Yorkers. I will be supporting this bill to repeal the law and I encourage all my colleagues to do so. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: Mr. Speaker, in my lifetime I lived through three different policing eras in our country. From the War on Drugs, War on Crime and Super Predators and now the War on Terror, I witnessed how we've become a surveillance state. According

to the Independent Budget Office of the City of New York, since 1990 the New York City Public School expenditure per pupil has only increased by 49 percent, while the NYPD budget has increased by more than 350 percent, nearly quadrupling in the last three decades. And during these times, Mr. Speaker, in order to justify the expansion and the professionalization of our police departments, we had to adopt and codify policies that criminalized people's poverties and treated crimes as forms of personal moral depravity and not a product of declining social conditions.

We have also punitively normalized poverty and crime as individuals making bad personal choices in life; in fact, Mr. Speaker, as I speak, I know for a fact that there are members in this Body who genuinely believe that some men are just born violent and genetically wired to hurt others and no amount of housing, health care or education can help them. For decades, policymakers had to support this notion that poverty is about personal change and transformation. It's about poor people needing better family values, discipline, determination, and character. In other words, the massive expansion of policing relied on laws that would dehumanize Black, Brown, transgender, immigrant and other marginalized communities in our -- in our neighborhoods. They needed laws that allowed State-sanctioned violence against anyone who didn't walk, talk or dress in a moral and socially acceptable way. When we make crime and public safety about individual moral depravity and -- and individual bad decision-making, lawmakers and governments no

longer feel need to take any responsibility to actually do something to invest in our people, like taxing the rich, because crime is no longer about public investments, it's more about personal transformations.

My colleagues, this is the backbone ideology and philosophy that allows us year after year to pass austerity budgets while we continue to hand out billions of tax breaks to Wall Street and billions -- billionaires in the State. By having anti-loitering statutes like Walking While Trans, for decades we helped validate this notion that informal workers and marginalized members of our communities whose struggles have been systemically muted, canceled, and invisibilized don't deserve basic human rights. With these types of laws in place, we've seen systemically -- we have been systemically saying sex workers, migrants, transgender people and young Black and Brown men in our communities do not deserve public support and rights to housing, food security, education, and health care because they are morally corrupt. By having these type of statutes in place, we allow our Social Service budgets to remain flat for years while we double our police budgets in ten years and hand out trillions of tax cuts for the ultra rich, who now control the social image of what it means to be productive and moral.

In other words, Mr. Speaker, the rich are getting richer where their properties and assets are protected 24/7 with police surveillance, and the poor are getting imprisoned and systemically killed every day. The Walking While Trans Law also represents the worst days of policing quality of life crimes and laid the foundation of

broken windows policing, stop and frisk, and racial profiling by dehumanizing our neighbors. It opened the door for creating predatory police units like Vice NYPD that for years got away with racist and targeted raids against mostly Black, Brown, and immigrant communities resulting in violent interactions with sex workers.

Mr. Speaker, one of those workers was a woman named Yang Song. Yang Song was my constituent and died at 38 years old on one tragic night in November, 2017. For over a year, she was targeted, raped, and threatened to be deported by the Vice unit before one night during one raid, she fell off a fourth floor balcony. And, Mr. Speaker, by the way, she was a Green Card holder, she was not an undocumented worker. The DAs Office, Internal Affairs, claims she jumped and implied she committed suicide. But after reviewing her text, phone records, and her -- her plane ticket the following week to visit her family, it was clear she had no intent of killing herself. She died running away from a rapist.

So as we celebrate the appeal of Walking While Trans statute, we need to remind ourselves that despite us taking away the law that justifies the expanded police presence like Vice, they continue to exist fully funded as they roam around our neighborhoods looking for the next Yang Song. So we need to find the courage to dismantle units like Vice and go one step further and decriminalize sex work once and for all. Sex work is work. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You

know, I've served in the -- this Legislature now for over 50 years. I'm proud to say that there are not many things, hardly any things that I'm -- that I feel ashamed or embarrassed about what I've done here.

There is certainly one that I think I had pushed out of my mind until I came upon some materials about the debate on this bill in 1976. And what reading that debate reminded me of was guess what? I spoke and voted in favor of enacting Section 240.37. At the time, and today, I represented Hell's Kitchen and Times Square. I've represented that area for over 50 years. At that time, there was a lot of community outcry against street solicitation for prostitution. And I'm not proud to say that -- that in response to that community advocacy, I voted for the bill.

I was wrong then, the law is wrong today. It is and always has been an unjustified tool for some in law enforcement to harass whoever is the -- the common target for harassment in a particular era. And who -- who is the target for harassment changes from decade to decade. LGBTQA folks happened to be, particularly transgender folks, happen to be a particular target of police harassment today, which is why people now call this statute Walking Law Trans. You know, we've -- we've heard some I think really unrealistic statements on the floor today that this -- that this law is used to help people who are believed to be soliciting prostitution, that, you know, the policeman is their friend and is there, you know, to be helpful to them. I -- I think that is at best a fantasy. It would be nice if it were true. I don't think there's any real world evidence for it. It's a tool for

harassment and we should get rid of that tool, and seal the records, if not expunging the records of that harassment over many decades.

As I said, I've represented the Hell's Kitchen community and Times Square since January of 1971. My constituents readily complain to me about all sorts of things. Nobody in my district has complained to me about the fact that I am and for quite some time have been an outspoken sponsor of repeal of the Walking While Trans Law. I'm proud to vote for it, particularly proud since I started out not doing something that I'm particularly proud of in relation to this law. I'm proud to be voting for repeal and I urge all of us, understand that this is not a tool for helping anybody. This is a tool for harassment and we should get rid of it. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker, and thank you to the sponsor. I -- on the bill. These issues are never as simple as anyone wants to make it, neither advocates or opponents, or our colleagues. And so, I thank our colleagues on both sides for engaging in -- in a thoughtful debate and I think Mr. -- Mr. Reilly and Mr. Angelino raised a lot of salient points. And despite some of the comments by my colleagues, this is not about fear, but it is about ensuring the quality of life both for our residents in our various communities and those who are the victim of discrimination and abuse.

And, you know, I -- I just listened to my colleagues

Mr. Kim and Mr. Gottfried -- you know, Mr. Gottfried has a bill A-849, which does, in fact, push to decriminalize prostitution, including repealing Section 240.37. And within Section 240.37, it talks about for the purpose of prostitution, patronizing a person for prostitution and promoting prostitution. And so when I spoke about this bill last week, that -- that was my focus, the focus was on a movement by some in this legislative Body to decriminalize prostitution. And that included in the -- the bill that I just mentioned, A-849, repealing this section.

And so, I -- I spoke out against it. And, you know, in part, my hesitation has been about repealing parts of 240.37 that also talk about patronizing and promoting prostitution. And why, you know, we would be decriminalizing Johns and pimps and -- and their actions. And I heard from a lot of people. I heard from Brooke Malloy of the Rockland County Pride Center who has done a great job advocating on behalf of our LGBTQ-plus community in Rockland County, and she's had a great relationship, as has the Pride Center, with -- with all of our elected officials in Rockland. And I heard from Brooke and I heard from many advocates on this issue. I also spoke with District Attorneys in -- in my region of the State, as well as local law enforcement and -- and our police unions, as well. And I had the opportunity to speak with the sponsor, Assemblymember Paulin, and go through a lot of these issues and -- and raised what my concerns were and the concerns of some of my colleagues, which I do think are legitimate concerns that some of them have raised today.

And so, I still have, you know, reservation especially as pertains to the move by some of my colleagues to decriminalize prostitution in full, and I will continue to oppose that movement. I will continue to speak out against that. I think there are a lot of issues related to prostitution, especially when we get into the -- the realm of human trafficking and what goes on in -- in, you know, certain areas of our -- our State and City and certainly we, as a legislative Body, and with our colleagues and allies in law enforcement need to be vigilant against that.

But in my conversations with -- with law enforcement and with Districts Attorneys, some of them were split, some of them favored the repeal of this statute, some of them were opposed to it but didn't want to say so publicly. Some in law enforcement were opposed to it, some supported it. So, it was a very split discussion in many respects. But one thing that became clear to me in the conversations is that where I live in Rockland County, this statute has not been prosecuted and nobody has been arrested under it since at least 2014 in -- in my district. And so, you know, based on these conversations, and based on the discussions, and I don't want to speak for the sponsor, but I certainly felt reassured from her in speaking with her that her intention is -- is not to support -- not to have this bill support a move to decriminalize prostitution. But I certainly appreciate everybody's sincere comments on this.

And the bottom line is, I've taken to heart some of the arguments that -- that many of my colleagues and advocates and

residents in my district have made and so I will be voting in the affirmative to repeal Section 240.37 of the Penal Code, and I would encourage my colleagues to focus solely on that to ensure that, you know, people in the LGBTQ-plus community, as well as, you know, women and others who have felt discriminated against based on this law, that we stick to that and that we don't go beyond that in terms of trying to decriminalize prostitution. And with that, Mr. Speaker, I yield back the remainder of my time.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I'm going to hope that my connection stays on, but I'm going to eliminate my video because that seems to help maintain the connection. Can I be heard? Can I be heard?

ACTING SPEAKER AUBRY: Yes, we can.

MS. GLICK: Thank you. I've listened to this debate and I appreciate the, you know, sincere feelings on the part of my colleagues, but, you know, I -- I do want to respond to a few of the things that have been said in the course of the debate. The number of 9-1-1 calls is not an exact science; in fact, I think we all are aware of the fact that when people have a complaint, everybody on the block makes a call and it's about the same thing. We see that with 3-1-1 in our -- in New York City. So the fact that there were, in a City of, you know, eight million people, 900 calls, I think actually points out how unnecessary this statute is.

Again, one of my colleagues referred to the fact that, you know, arrests and, you know, it's very difficult, you have to observe, then you make an arrest, and then there are prosecutions. There aren't always prosecutions. We all know that in many instances DAs determine that it is inappropriate, not founded, and that they will not proceed with a prosecution. It's elective enforcement. Well, I think we all have seen a wide range of different circumstances in which there is selective enforcement. And I -- I don't want to dump on the -- the police department. I think it's a tough job. I think when you see something you don't want to deal with, you call the police. It's a tough position to be in; sometimes it's life-threatening. But by the same token, they're human beings who have their own prejudices and they sometimes play out. And we've also heard about the NYPD having in different places, different precincts, commanders who want to advance and they want more arrests. So, you know, systems that are made by people are not always logical, rational or fair.

And I will impart one example, and it was during a period, a District Attorney who was very well-respected, Robert Morgenthau, several of us had to have a meeting with him and his top aides. They were sending people into gay book stores and they were clearly trying to entrap gay men by essentially having somebody proposition them. We were outraged, we were infuriated, and many of the LGBTQ representatives met with the DAs staff and said that this, whatever this was, I mean nobody was going into a fancy hotel bar to send young women in to see if any of the older gentlemen would, in

fact, be easily propositioned and then arrested.

So, there, you know, the street -- people walking on the street, people hanging out on the street, this is something that has been used against young people, people of color, the LGBT community. There are many, many statutes that provide the police with the tools to protect the quality of life in different communities. This has been used as a tool of harassment. Now, I -- I do not actually support Mr. Gottfried's bill, I think that I side with some of the folks in the sex trafficking community that feel that is a -- undermines the safety of people and -- and makes people a target for trafficking. So, I don't support that bill, but I support this bill wholeheartedly and I believe that it is long overdue. I appreciate and thank the sponsor for allowing this to come to the floor and all of my colleagues who have spoken in favor of this. And I appreciate the concerns that have been raised by my colleagues on the other side, but the scales of justice must fall in balance finally and I will happily vote in favor. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you very much. Just for, particularly newer members, we're -- want to remind you that in your remarks we ask you not to refer to other members of the House by name. You might say "former speaker," "previous speaker," but using individual members' names in your statement is -- we ask you not to do that. I'm sure you're facile enough in the language to figure out how to do it without using those names. So, I'd appreciate that, thank you, and it's part of the rules of this House.

Ms. Lunsford.

MS. LUNSFORD: Thank you very much, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. LUNSFORD: Thank you to the sponsor and all of the advocates for all of their hard work on this bill. This vague loitering law has for decades served as license for the harassment of trans people, people of color, and women. Enacted in 1976, this redundant law serves no compelling public safety purpose not already served by a host of other laws already on the books. This law has resulted in law enforcement targeting people based on how they dress, what time they are outside, and where they happen to be standing.

This repeal does not legalize prostitution. It doesn't even negatively impact law enforcement's ability to combat prostitution. After this law is repealed, law enforcement may still make arrests for trespass, disorderly conduct, public lewdness and, of course, engaging in, patronizing or promoting prostitution, all of which remain illegal. Every example cited by our colleagues in opposition to this bill could be attended to under any of those existing laws. One of our colleagues literally described the crime of prostitution under Section 230 of the Penal Law; that would be dealt with by Section 230 of the Penal Law.

As the sponsor said, we do not need this law to achieve the governmental purpose of combatting prostitution, and this

is the only law we are discussing here today. Without this law, law enforcement may still arrest people that they suspect to be guilty of soliciting, promoting or patronizing prostitution. They may just -- they must just have some compelling foundation other than that someone's skirt is too short or that their hands are too big. Those who suggest that repealing this law makes our communities less safe are at best unfamiliar with the state of our laws surrounding prostitution or, at worst, are being purposely disingenuous to score political points.

I am proud to support this bill and protect our Black, Brown, and LGBTQ friends, families, and neighbors. I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TANNOUSIS: Thank you very much. I just want to say I -- I appreciate the sponsor on this bill, but I do want to say that according to Penal Law Section 240.37, it states that it is a violation for any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops or repeatedly attempts to stop, or repeatedly attempts to engage passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons for the purpose of prostitution or patronizing a person for prostitution. That

is what a police officer would have to testify to in court and that is what a District Attorney will have to prove in a court of law.

Now, no police officer should ever be making an arrest in any situation, let alone in this charge, in regards to a person's appearance, a person's gender, what the person is wearing or anything to that effect. And -- and no police officer should be making that arrest, period. Now, I understand and I appreciate the sponsor's motivation, and I understand that there is -- that there may be a disproportionate impact on women, particularly transgender women and women of color; however, this should be corrected by -- by addressing the unjust enforcement, potential unjust enforcement of this law, not repealing this law totally. My fear is that by repealing this law we will embolden the gangs and the organized crime groups that continuously traffic these victims.

So for those reasons, I am in the negative on this bill. Thank you, Mr. Speaker, and I yield back my time.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GONZÁLEZ-ROJAS: Thank you for allowing me to rise in favor of the repealing Penal Code 240.37, also known as the Walking While Trans Ban. I want to thank the prime sponsor, Amy Paulin, for carrying this very, very important bill. I also want to

lift up directly impacted community members, Black and Brown trans women who have also pushed to finally see the statute removed from the law. The campaign that's moved this legislation had included organizations like Make the Road, Black Trans Nation, the New York Civil Liberties Union, criminal justice organizations, LBGTQ rights organizations, and many advocates who have spent hours telling and retelling their stories, reliving their trauma so that the Legislature can finally claim that Black trans lives matter, that immigrant trans lives matter, that Latina trans lives matter, because they do.

I was born in 1976. This statute has been in existence my entire life. And at its height in 1977, police made 9,565 arrests just in Manhattan. This Penal Code has also led to the arrests of thousands of women who are criminalized for simply existing, with 85 percent of arrests being women of color, whether they were leaving a club, going to the deli or walking down the streets of Roosevelt Avenue in Queens, many have been targeted by an unjust, partial system that has sought to dehumanize them and impede their ability to access critical services.

This has directly impacted my district, the 34th District, which encompasses Jackson Heights, a neighborhood known for its historic contributions to larger movement for queer and trans rights. Community members have long lived with a fear that they could be targeted just because they were walking down the street and dressed in tight pants or short skirts. One community member, Myra (phonetic), has shared that she has been repeatedly targeted by the

police simply because she's a trans woman. She has kept a picture of her marriage certificate in her cell phone so that when she walks outside with her husband after 10 p.m., she can show proof of her relationship because it has been assumed that he is a client, not her husband. So I ask my colleagues in the Chamber right now who are married, do you have to carry a picture of your marriage certificate in your wallet or on your phone? No one should ever have to walk in their neighborhoods with this fear, not Myra (phonetic), not anyone.

Advocates have also labeled this as Stop and Frisk 2.0 because how it perpetuates broken windows policing. This is a profiling issue plain and simple, so we must act to repeal it today; in fact, this bill has even been supported by law enforcement. The District Attorney Association of New York, despite my great differences with them, says it is time to repeal this statute. And while some of my colleagues speak of quality of life issues, I ask, what about the quality of life for the women targeted by this law? The people in my community that have been targeted and arrested because of this law have suffered ripple effects on their ability to access housing, to access employment, and their ability to stay in their own home. Arrests due to the statute can put a person's immigration case at risk as they appear before the courts. The passage of this bill is, therefore, at the intersection of racial justice, immigrant rights, trans rights, women's rights, gender justice, and this is the work I've done for two decades.

And finally, simply repealing this statute will now

undue the harm that has been held on by people like Myra (phonetic) who simply want the ability to live freely in this State. The legislation signed into law must seal violations and convictions, to lift whatever barriers exist for people arrested under this statute to receive additional support, especially during this really difficult time for all of us here in New York. So I thank you TS Candii, Siyah (phonetic), Mateo (phonetic), Jared (phonetic), Bianay (phonetic), Myra (phonetic), Norman (phonetic), Brian (phonetic), and all the advocates who have fought for this day. Today is your day. It is a day that can be more just and more humane. This day is for Lorena Borjas, this day is for Layleen Polanco, this day is for justice for our cis and trans sisters across the State. I proudly vote in support of this bill. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Ms. Mitaynes.

MS. MITAYNES: Thank you. The Walking While Trans is simply Stop and Frisk 2.0. The law started in the late '70s with the purpose of cleaning up Times Square. When I migrated from Peru, we came to live in New York City and I lived in Hell's Kitchen on 44th Street between 8th and 9th Avenue. This law is -- this law leads to discriminatory and arbitrary arrests that leads to police harassment and misconduct. No one should be penalized for the way that they look. I ask my colleagues to see this for what it is, a human rights issue. I stand with my brothers and sisters and the LGBTQ-plus community and vote in the affirmative. I yield the rest of my time.

ACTING SPEAKER AUBRY: Thank you so much.

Mr. Burke.

MR. BURKE: Thank you, Mr. Speaker. Will the sponsor yield for a question?

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Will you yield? The sponsor yields.

MR. BURKE: Thank you. So, you know, I was looking through social media the other day and I came across, you know, something from a political organization that said that, you know, the Legislature is looking to legalize prostitution. And not to keep going over that, because that's obviously not what this -- this bill does, but I just want to ask you again directly, does this bill legalize prostitution?

MS. PAULIN: Not in any way and, in fact, most groups that I know that are opposing legalizing prostitution are in support of this bill.

MR. BURKE: All right. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURKE: You know, I would hope that we would, you know, there are different sides on the discussion of, you know, whether we should decriminalize sex work, but that -- that really is a whole different conversation. So, I know that's been a big part of the debate or part of people's, you know, discussions. But

that's not really what this does at all. I've spoken to the law enforcement, you know, leadership in my community, in the -- the several municipalities that I represent and all of them said that they had no problem, you know, with -- with supporting this bill and they thought it was time to do this, as well. So I will be happy to -- to vote in the affirmative and I also yield back the rest of my time.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Richardson.

(Pause)

MS. RICHARDSON: I apologize, Mr. Speaker, as I was experiencing some technical difficulties on my end. I come forward today from the mighty 43rd Assembly District, because we understand that racial profiling in New York State is real. It is time for us to be very honest about the policies and the practices that enable these discriminatory practices. The evidence is very glaring. Our transgender brothers and sisters are being racially profiled, they're being targeted, they're being -- they're being singled out, and we know that this is real. And it stops today. It has got to stop today.

So as we repeal this particular law, we are sending a clear message specifically to our Black and Latinx transgender brothers and sisters across the State of New York. You matter. You matter. Your life matters. Your existence matters, and it's not illegal. Please move in your authentic self. Live in your authentic self. Run, jump, and now today you can walk as your authentic self. I want to say thank you to the sponsor of this legislation for having the courage

to see it through. I want to say thank you to all of the advocates across the City and State of New York for elevating their voices on a continuous level. And today, I proudly sit because I cannot stand in the affirmative as we repeal. Walk, jog, move authentically. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Richardson.

Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CARROLL: I want to thank the sponsor and all the activists, especially the trans activists, who made today possible. We should all be -- be supporting this smart, commonsense legislation that repeals a vague law, a vague law that allows for law enforcement to unjustifiably stop people while they're going about their daily lives. Any law that does that should shake all of us to our core. We should not give tools to law enforcement to harass everyday citizens. Law enforcement is necessary but it must be kept at bay. Because if it is not kept at bay, it will invariably impede on our personal freedoms and liberties, and it will discriminate against folks who have no power and are not able to push back.

So I am happy today that we stand up for marginalized communities and communities that have too often been maligned and discriminated against. This is disgusting, it needs to

stop. There are so many other laws that we should have the same kind of scrutiny and repeal, but today we repeal the Walking While Trans ban, and that is a proud moment. I want to again commend the sponsor and all of the brave activists who made today possible. I vote in the affirmative and I hope my colleagues will do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

(Pause)

Assemblywoman, are you hearing us?

MS. RAJKUMAR: Yes. Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. RAJKUMAR: Thank you, Mr. Speaker, for allowing me this time to speak, and thank you to the sponsor for her tremendous work on this bill. Forty-seven percent of all arrests under Section 240.37 of the Penal Law happen right here in my Borough of Queens. I thus am compelled to register my concern. This section of the Penal Law offers little guidance and too much discretion to law enforcement. Those responsible for enforcing the law depend upon laws that are properly tailored and constructed so that they can do their job properly.

The consequences of this unjust and poorly constructed law are far reaching. A woman can be improperly detained by law enforcement simply because her clothing or appearance is viewed in a certain way. A woman can be criminalized

just for wandering in a public place and looking a certain way. This is contrary to the values of equality, opportunity, and justice that are enshrined in our Constitution and our Bill of Rights. Many LGBTQ youth who run away from home struggling to make it face the extra burden of being criminalized under this law. Immigrant New Yorkers convicted under this law may lose the once in a lifetime opportunity to win their asylum claims in the United States. This law creates a pipeline to unjust incarceration for all these groups. It furthers the marginalization of New Yorkers based on their appearance and gender.

In 1976, the Legal Aid Society argued that this section of the Penal Law was overbroad, unconstitutionally vague, and inhibited free speech. They won their case. But a higher court upheld the law, and the law then remained on the books for over 40 years. But hopefully no longer. In the words of Black trans activist Marsha P. Johnson: *How many years has it taken people to realize that we are all brothers and sisters and human beings in the human race?*

Today as a Civil Rights lawyer, Assemblywoman, and proud New Yorker, I hope that we will finally right this wrong and cure this injustice at last, thereby creating a fair, more equitable New York and furthering the human rights of all. I will be voting for this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. FERNANDEZ: Every day, members of the trans community are marginalized, stigmatized, and targeted on our streets and in our cities. It is baffling to me how we, as a society, have not moved on from the hateful and disgraceful attacks to the LGBTQIA-plus community. We are part of a diverse society. But just last year in my district, in my community, we saw an attack. A "Black Trans Lives Matter" mural was defaced with hate speech and obscenities. It is long overdue that trans rights were prioritized not only in our hears and minds, but in our laws.

We are 21 years now into the 21st Century and this archaic stop and frisk tactic is still being used to unjustly profile and disproportion -- disproportionately target trans women, particularly trans women of color. Its existence allows police to decide if a woman's skirt is too short, if the person is talking to one person for too long, or just lingering too long in the street. These everyday occurrences should not give cause for arrest. Members of our trans community should not be fighting for the ability to walk in their own neighborhoods without fear of persecution.

Today, we must advance trans dignity and equality by repealing the Walking While Trans bill and allow New York to be an all-encompassing State that accepts every person no matter their color, race, religion or sexual orientation for who they are. It is time we give trans women of color their freedom. I thank the sponsors and I

applaud them for their courage. I applaud the advocates for their diligence. I urge all of my colleagues to stand with me and support this repeal so that we can secure equality and justice for all people. And with that, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. Burgos.

MR. BURGOS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURGOS: Today marks a critical step towards equity and fairness in our laws. A-3355, better known as the Walking While Trans bill repeal, finally stops the demeaning and arbitrary arrests and incarceration of women, specifically Black and Brown transgender women. Since the inception of this law, our State and nation has made significant strides towards equality for LGBTQ people. But this law serves as a vestige of a tough on crime era that allowed for the systematic targeting of young people, people of color, and queer people of color; in fact, as *The New York Times* put it, the deployment of this statute, in essence, a perverse equalizer, extending the indignities of stop and frisk policing experienced by so many young Black and Latino men to an entire population of women already facing a myriad of forms of discrimination.

According to the Legal Aid Society between 2012 and 2015, nearly 1,300 people were arrested in New York City under

this law. More than 600 were convicted, and close to 240 served time in jail with over two-thirds of the arrests coming from five precincts in central Brooklyn and the Bronx. And after 2018, 91 percent of people arrested under this statute were Black and Brown, and 80 percent identified as women.

These aren't just statistics to me. When I see these numbers, I think about the trans women like those in my district in the Bronx who are likely bearing the brunt of this unequal enforcement. When I see these numbers, I think about Layleen Polanco who died in solitary confinement in Rikers, held for just \$500 bail. When I see these numbers, I think about all the powerful, yet forgotten, trans women who continue to suffer thanks to laws like this.

So today's repeal certainly marks a historic moment, although it shouldn't be. From the first brick during Stonewall to the last cry for justice at this summer's protest for Black and Brown lives, our trans sisters and brothers, our queer community have always stood up for progress. They have always stood up against injustice. They have always stood up for all of us in this State and in this nation, even as they endure disregard in our laws and the often fatal cruelty of our inaction.

This is a step in the long, yet necessary, march toward protecting and uplifting trans and queer people, that's why I'm proud to join my colleagues in this Body supporting the passage of the Walking While Trans Bill and doing our part, although there is more work to be done, in standing up for the LGBTQ community. Thank

you to the bill's sponsor, to my colleagues, to the incredible advocates and activists who fought so tirely -- tirelessly for us to meet this day, and I proudly support this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Miss -- Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. CRUZ: I have the honor of representing Jackson Heights and Corona, two neighborhoods that are home to members of our LGBTQ community. We are also home to the largest trans Latina community in our State and possibly in our country. Many fled their homes -- home countries in search of freedom to live as they are. Today is a big day for us. Today we get to pass a law that will forge a path for many to be able to have the freedom to walk the streets of our community without fear of an arrest. I stand before you today in order to discuss the real-life impact of Penal Law 240.37 and what it has meant to our communities and the people that I represent. This law, colloquially known as loitering for the purposes of engaging in prostitution. While the lifestyle raises questions of how law enforcement is capable of determining who is actually loitering for the purposes of prostitution by only looking at them versus who is simply loitering for the purposes of just being there. Let's look at how it is executed and utilized by law enforcement and how it has actually affected disproportionately members of our transgender community.

Offenses against public order. That's where this law is at in the Penal Code. Some of my colleagues here argue that we need this law for the public good. So let's talk about the public good for a second, and let's talk about what it means for the transgender population.

Approximately 6.7 percent of the general population of the United States suffers from depression. Eighteen percent grapple with some sort -- sort of anxiety disorder. However, nearly half of all individuals who identify as transgender experience these issues. What's more, over 41 percent of trans men and women are estimated to have attempted suicide, a rate that is nearly nine times as high as cisgender Americans. So what we have is a population that is already marginalized, already struggling, all for simply wanting to live freely as who they are. If we really want to talk about the public good, let's talk about reinvesting the money we waste on law enforcement targeting an already marginalized community and start funding programs for the trans community to protect their rights in the workplace, to protect them in the streets, to ensure they have access to life-saving healthcare. Instead, many of our colleagues want to argue in favor of a law that has done nothing but hurt people who are already vulnerable. In October 2012, Make the Road and the Antiviolence Program released a study called *Transgressive Policing: Police Abuse in the LGBTQ Community in Jackson Heights* and their interaction with police. It talked to approximately 300 people who responded and shared how they had been affected by their interactions with police. Make the Road's research found that LGBTQ respondents were more

likely to be stopped by police officers in Jackson Heights, and they were also more likely to be harassed by police officers when they were stopped. When asked if they had experienced verbal or physical harassment by police, 33 percent of non-LGBTQ respondents said that they had been harassed in some sort of form by the police. By comparison, 51 percent of LGBTQ respondents who had been stopped by police indicated that they had experienced police harassment. Meanwhile, transgender respondents experienced the highest amount of harassment with 61 percent of those responding stating that they had been harassed by police.

So I want to read a few real-life examples of what this law looks like when it's being applied to my neighbors, to my community. And these are stories taken directly from that research project. *Last week I went out dancing to a small club in -- on Roosevelt Avenue. After having a good time and feeling ready to go home, I contacted my friends and we walked over to a small taqueria on our way home. We met up at the taqueria after a night out, which was our routine. While on my way to the taqueria I was approached by a dark-colored car driven by a middle-aged male. As the male pulled along side me, he said something I couldn't hear properly. And as I did not hear what the male was saying, I inched a little closer to his vehicle and he repeated, "Why are you so beautiful, yet alone?" Before I knew it, two undercover police officers jumped out of a van that was parked alongside the street and told me that I was under arrest. When I asked the officers why they were arresting me, they*

told me that I was engaging in prostitution. They cuffed me, and the officers questioned me further. They took my purse away from me and placed me in an unmarked van. Although I had nothing on me and did nothing wrong, they still took me, transferred me into another police van filled with about a dozen trans women and took us down to the 115th Precinct where we were fingerprinted, written up and later transferred to central booking. My experience in the holding cell at central booking was terrible. I was humiliated inside the holding cell by the guards and the men who occupied the cell with me. Tears streamed down my face for the first time because I was encouraging the daily harassment that many trans women experience while walking home.

Another example. One night I was walking home with my boyfriend after a club in Queens. Around 4 a.m. we left the club together and we were walking home. We were walking next to each other, and at one point an undercover police van stopped next to us. Eight undercover cops got out from the van and some threw me against the wall. While they were handcuffing me, my boyfriend was also thrown against the wall and frisked. They told me that I was getting arrested for sex work. I told them that it was nothing like that. After they frisked my boyfriend they found three condoms. After seeing the condoms they asked if I was sure that I was not working. I told them that I was with my boyfriend, and they said he was not my boyfriend. I told them -- I told the female cop to let -- to help me, and I was not doing anything wrong. She said she couldn't help me. My

boyfriend came to the 110th Precinct where I was held, and spoke to the captain and tried to explain that he was, in fact, my boyfriend. But the captain said he couldn't do anything, and I was taken to court and accused of sex work.

One winter night I went out with my girlfriends and we were walking home from Friend's Tavern on 76th Street and Roosevelt. We noticed that a police car was following us. We knew what they were doing, that they were going to arrest us, and we kept on walking faster. There was a point where we became so scared and started to run, and two male police officers came after us with a long wooden baton. They threw it at our feet and they arrested me. In the run, I lost my shoes. It was very cold that night. I was detained all night without shoes in the cold. They would laugh at me and my friends. We felt humiliated. They have no respect towards transgender women. I was charged with prostitution just because I was walking on the street.

These are just some of the many stories of what can only be described as government-sanctioned targeting and profiling. Much of the arguments here in favor of it have been veiled under the idea that we're trying to help trafficking victims. But they're actually about protecting the quality of life of folks who don't want people that look different in their neighborhood. Some -- someone walking home in a suit at 4 a.m., just like I am right now, versus someone walking home at 4 a.m. with a skirt. That's the difference we have with this bill. We're asking police officers to look and make a determination

simply by what they're seeing, and we're telling people that how you look and how you dress should be a crime. The time has come to erase this archaic law from our books. Some of our colleagues argue that this law is about law and order. That it's law and order, too, that it allows officers to combat human trafficking, and I'm here to tell you it does not. In my past life I worked investigating labor and sex trafficking. I can tell you that this law does very little to really deal with the issue. And the little that it does, does not justify turning someone's life upside down. And I want to tell you about one of my dear friends that's been affected by this. My friend Cecilia Gentile. She's a beautiful transgender Latina, an activist and someone who was personally affected. In 2009 she was walking home from the store. She was going to go buy cookies. And the cops stopped her and they arrested her and she was sent to Rikers Island. Cecilia was undocumented at that time, and she was turned over to ICE. Cecilia, who identifies and dresses and looks like a woman, was sent to a detention center in (unintelligible), where she was placed with men who beat her so badly she almost died. And then when she was moved to the cell with the women, the women claimed to be so afraid of her that she was then put into solitary confinement. And she was so depressed while she was in solitary confinement she often contemplated suicide.

These arrests have left transgender individuals with unnecessary criminal records, vulnerable to deportation or actually deported, with physical and mental scars. And it is worse with suicide

ideations with actual attempts or dead, as in the case of (unintelligible).

This vote means the world to my friend Cecilia, Elizabeth, Jessica, Candii, Liam and so many other women of color -- transgender women of color who have been fighting for the chance to simply exist. Who've been harassed and abused by our system, and even arrested trying to walk home because of how they look and because they fit a concern profile.

I want to thank the sponsor of the bill and all of the advocates for never stopping their fight to preserve dignity, the honor and the memory of our trans community. Today I cast my vote in honor of Lorena Borjas, the mother of the trans Latina community who passed away last March 30, 2020 of COVID. She was a constituent, a friend and a fierce fighter. She spent her career helping our trans Latina community rebuild their lives after arrests. Many arrests were false, and many because of this law. She would help her chicas get resources to exercise their rights to be who they are. Lorena made sure that they had everything from food to housing to clothing to legal services and even condoms. Lorena helped established the Lorena Borjas Fund in order to help more than 100 of our trans community members with their legal issues, many facing deportation. She was a force of nature. Her humor, her love and her resiliency is missed every day in our neighborhood. She was my friend. And in her honor, I'm proud to vote yes today.

ACTING SPEAKER AUBRY: Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURDICK: I wish to thank Amy Paulin, the sponsor, for her courage and leadership. The proposed repeal should not be dismissed as a matter of, quote, "law enforcement procedures." As a member of the Minority has asserted, the law itself is not valid, so law enforcement procedures are not a relevant consideration. If the underlying law is not valid, it should be repealed. If the underlying law violates public policy, it should be repealed. If the underlying law has been used to profile the trans community, women and people of color, it should be repealed. If the underlying law is a tool to harass, the law should be repealed. If the law tramples first American rights, it should be repealed. It should not be a crime for what you look like. It should not be a crime for what one is wearing. And yes, this is about the quality of life. It is about the quality of life for those who have been victimized by the law.

I'm proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANDERSON: Thank you. Today, Mr. Speaker, I'm voicing my support for the repeal of the Walking While Trans ban.

And because violence against Black and Brown trans women is a scourge on our society and has even been described as a pandemic within a pandemic, Mr. Speaker. Just over 85 percent of individuals arrested, Mr. Speaker, under Section 240.37 of this -- of the Penal Code between 2012 and 2015 were Black and Latinx. It's important for me to advocate on behalf of my constituents here in the 31st Assembly District that are negatively impacted by this statute. Tiffany Jade Monroe is an immigrant, an asylee, and a woman of trans experience from the nation of Guyana. She came to New York seeking freedom, Mr. Speaker, and liberation. She found comfort and hope for a better future through dressing in more affirming clothes and have access to healthcare and immigration resources through her affiliation with a group that's doing tremendous work in my district, the Caribbean Equality Project. Mr. Speaker, I would like to recognize the amazing organization such as the Caribbean Equality Project who provide safe and secure support for many Black and Brown trans women across this borough, across the City, and we thank them. In the words of Miss -- Miss Monroe, *The COVID-19 pandemic has disproportionately impacted Black and Brown immigrant communities, including asylum seekers and refugees. We need a designated allocation of increased funding towards food, housing and other necessary resources.* Miss -- Miss Monroe says, *I'm fearful that one day in my work in my community organizing, I could be arrested and put in jail. And any arrest in this country can negatively impact my immigration status.* She asked me to share that

today. And by repealing this law, Mr. Speaker, this ban, this section of the Penal Code, it's a step in the right direction of reconciliation amending of violent State practices against Black and Brown trans folk, because their lives matter.

So I urge my colleagues across the aisle to not attack my colleagues who have the courage to stand here today, to speak where they are, to stand up against discrimination, to stand up against fear and to stand up to ending pain. I'd also urge my colleagues across the aisle that the war -- the -- the --- the period, the crime era is over. And this is a statute from the tough-on-crime era, and that period is over. And we cannot allow, Mr. Speaker, a statute to continue to exist on the books that perpetuates discrimination, fear -- and fear.

I'd like to thank my colleague Assemblywoman Pauline -- Paulin for introducing this bill. I'd like to thank my fellow colleagues who cosponsored this very important bill, and the thousands of activists and advocates who put their lives on the line and put their blood, sweat and tears to get us to this moment today.

Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GIGLIO: So, in Suffolk County in 2018, Suffolk County District Attorney Tim Sini and Suffolk Police joined

with the FBI and launched the Human Trafficking Investigation Unit to help combat the problem. Law enforcement is trained to recognize victims and treat them as victims. Victims of criminals -- victims of crimes rather than criminals themselves. The purpose is to investigate and prosecute human traffickers. Here we are, February 2nd, 2021. January was National Slavery and Human Trafficking Prevention Month. Safe housing should be a priority. Sex traffickers target certain populations. Experts connect drugs and addiction with services for sex. Opioid addictions fuel human trafficking on Long Island. Treatment needs to be three-fold: Treatment, enforcement and awareness. We all agree, appearance, race and gender should not be a consideration in trying to prevent human sex trafficking. Victims who are charged are diverted from regular prosecution in Suffolk County. They're put into a dedicated human trafficking court. The court diversion program offers victims counseling, drug treatment and drug training. Once the program is completed, the charges are dismissed. Victims are a very important resource for officers in order to identify and stop drug trafficking. Questions need to be asked in order to determine if someone needs help. In speaking to a representative in the Suffolk County District Attorney's office, out of 65,000 cases prosecuted within a year, few were charged with 240.37. But those few could have saved lives. In speaking to officers, it gave them an opportunity to have a conversation with someone that may have been arrested before or that they know needs -- needs help. If charged, it was because of other violations of the Penal Code, and we hope that

those people get help. And this 240.37 is a mechanism that even though it's rarely used, it's used few -- it was used a few times.

So I thank you for the opportunity to speak on the bill, and I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to just speak on the bill for a little bit. But if it's all right with you, may I ask to speak with the sponsor for a little bit?

ACTING SPEAKER AUBRY: Will the sponsor yield?

MS. PAULIN: I will. Thank you.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. NIOU: Thank you. Thank you so much for, you know, seeing this piece of legislation through. I had a question for you. Would you consider this original law a profiling law?

MS. PAULIN: In 1970 -- I'm sorry, 1976 when this was enacted I think it was a different time, a different place, a different mindset, and there were -- there were women who were dressed in clown clothing walking around Times Square at a time when we knew the Democratic Convention was coming to Madison Square Garden. And the City officials at that time wanted to, in quotes, "clean up the streets", sweep the streets of what they thought was immoral behavior so that when others from around the country came and went to plays and shows and bars, the -- the image that they left with which -- would

be more positive. So I don't think the original intent was to, in quote, "to profile." I think the original intent were the -- were the mindset of those who were enacting that law wasn't to discriminate. But we know more now, you know, and we know that that's exactly what -- what happened. We know that sweeping the street means you're sweeping it from people who are participating in -- in potentially getting a hot dog. Potentially going to the grocery store and buying milk. Potentially hailing a cab. You know, we're sweeping the street because we don't look -- like what we are looking at, and that is profiling. And so, we now have -- we didn't use the word in 1976. We now know what that word means and what this law has done.

MS. NIOU: So does this -- so because, you know, a couple of my colleagues have said this, but does this bill and -- well, does the original law -- I'll put it this way, does the original law affect Black, indigenous and people of color disproportionately?

MS. PAULIN: It's does -- it does now. In 2018 DCJS reported that 91 percent of those arrests that were made under this statute, 240.37, were Black and -- and Latino.

MS. NIOU: Does it also disproportionately affect the LGBTQ community?

MS. PAULIN: It -- I don't have the numbers specifically for transgender arrests, but it's -- my understanding is that it's primarily transgender. The estimates are about 75 percent. But there's no -- nothing written in the data that I have. That's just from what I've gleaned from newspaper articles and other studies that have

been done. But -- so we know that there's a disproportionate. Even if it's 50 percent that's quite a lot. We do know that 80 percent of 2018 data - the last time we've really broken it down that way, because in 2019 and '20 there was very little data - that the -- that it was mostly women. It was 80 percent women. So it's a -- it's a female stop and frisk. That's what -- what it has become.

MS. NIOU: That's an interesting phrasing of it, right? Female stop and frisk. So, I also have one more question, which is, you know, you had mentioned, you know, hailing a cab, catching a bus. We had heard from another colleague earlier about, you know, how certain actions, you know, are, you know, described within the -- the legal determination of what loitering looks like, right? What does waiting for the bus or, you know, hailing a cab look like in New York City? Could you describe it in words?

MS. PAULIN: Well, I can tell you what it looks like in White Plains. When I was much younger than I am now I was standing on a corner in White Plains waiting for a friend to pick me up, and it was maybe in a prostitution-prone neighborhood. I wasn't aware when I -- when I was standing there. I was coming out of a wake, waiting for a friend. Two cars passed by, soliciting me. And then a third was a cop car. A police officer said, *What are you doing standing on this corner?* Having noticed that, you know, two prior cars had stopped. I don't know what I was more afraid of. And so I don't know what it looks like. I've certainly hailed a cab in the City. I have done -- I have gone shopping in the City. But I had never been

stopped in the City. Maybe because I was wearing a suit or a dress that might have been longer than when I was in my 20's. But I do know what it feels like with the assumption being that somehow a young woman standing there with a skirt above her knees, which was the fashion at the time, might warrant getting arrested. I know what that feels like, even though I didn't -- I didn't get arrested. I was able to talk myself out of it, but it's not a very good feeling.

MS. NIOU: Thank you for -- for answering my questions.

And on the bill, Mr. Speaker.

ACTING SPEAKER CRUZ: On the bill.

MS. NIOU: Thank you for, you know, helping us to better understand the effects of this bill and what repealing the law that is currently in statute would actually mean for so many of our communities, for so many women and for the LGBTQ community and for folks who are marginalized. Let's be very real. This bill needs to pass because it is a repeal of a law that has proven to profile. Profile by gender. Profile by race and ethnicity. Profile by sexual orientation and profiling people for just what they look like and what they're wearing. And there's -- there's nothing different from hailing a cab than anything that's described in how somebody could be quote, unquote, loitering in New York City. And I -- and I think that it is a very clear mandate that this is -- this is a long overdue bill, actually. And I think that, you know, I have seen personally and firsthand the harm that this current law has caused to so many people. When folks

go to jail, when folks are arrested, you know, there are huge repercussions. You know, if -- if folks are taken to jail, you know, they might miss the next day's work. They might lose their job. They might, you know, lose custody of their children. They might have fines and fees and surcharges charged to them that could put them into debt for the rest of their life. These are very large consequences for -- for somebody's opinion of what somebody looks like. And I think that it's really important that we take into account the harm that this law has caused and the good that passing this bill to repeal this law would do. And so I just wanted to say, you know, one of the things that I was really moved by was another one of my colleagues telling the stories from the words from the people who were affected by this piece of -- this -- this law being on the books. And I thought that, you know, it's -- it's so common and so frequent that folks are actually affected by profiling in our statutes and the criminalization and -- and persecution of poverty and the marginalization of our communities just because of looking different. I think that, you know, it was really -- it -- it's so frequent that it happens when I'm walking down the street and I see that, oh, hey you know, so downtown there's a lot of clubs and I see that there's a club that's, like, letting out and people are coming in and out. And there's this beautiful girl who walks out of a club who, you know, was waiting for the bus and was just, you know, coming out of China Chalet and, you know, was waiting for the bus stop right in front of the China Chalet and didn't even take six steps and a cop car came and arrested her. Right then and there. And I was

walking by and I -- I was coming from an event at 250 and I was walking down the street and I watched it happen. I was like, *What is going on? Why is she being arrested?* She literally just came from that club. I watched it happen. And they said that she was loitering and that it was for prostitution. It was this exact statute. So there was absolutely nothing to indicate that she was trying to perform any sex work. She was literally just leaving the club. But these were assumptions that were made based off of how she was dressed and where she was coming from and because she was transgender. So I think that this is a very important law and this is a very historic moment. And one that is long overdue because we should not allow profiling in any form in our statutes and -- and we should be dismantling all of the things that can actually make it so that folks are being discriminated against just based off of how they look.

So thank you so much, and thank you for our sponsors and all of the survivors and activists and advocates who have told their stories, who have lived this and have had to suffer the consequences of our unfair and unjust and horrifying profiling laws. Thank you.

ACTING SPEAKER CRUZ: Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER CRUZ: On the bill.

MS. SIMON: Thank you. You know, it's 2021 and there's no reason that people should still be profiled and policed based

on how they look or dress. This loitering law was passed in 1976, allowing officers to apprehend anybody they suspected of engaging in prostitution. Not those who were actually engaged in or soliciting customers for purposes of prostitution; that's another law. Thus, the police were able to arrest an individual, most often women, especially trans women of color, without any proof of intent or engagement in otherwise criminal activity. Under this law, simply being seems to have constituted proof of intent. Women have been arrested simply for walking home, for standing alone, talking with friends, because under this law merely standing outside your own apartment could constitute loitering activity and lead to an arrest. This is insane. Moreover, unsurprisingly, the enforcement of this law has targeted the same marginalized groups that are at higher risk for sex trafficking and other forms of exploitation. In 1976 the law made have had what they believed to be benign intentions, but the path to hell was paved with good intentions, and the law of unintended consequences has clearly demonstrated that whatever was intended or understood in 1976 is not how this law has been implemented. Instead, countless transgender women of color, particularly those of color, have been detained, harassed and falsely accused under this archaic law. So it needs to be clearly said that what we repeal today is loitering for the purpose of engaging in a prostitution offense. Not engaging in a prostitution offense. The opposition fails to acknowledge this very clear statutory language. It is so clear and so clearly unjustly implemented, that the District Attorneys Association of the State of New York, which is

hardly a far-left liberal organization, supports its repeal. Because over time, the statute has come to be used in ways that wrongfully profile people and even lead to their arrest based on nothing more than gender expression or appearance.

I want to commend the sponsor for her dogged persistence in bringing this bill to the floor, and I want to thank the many advocates in the LGBTQ community and their allies for raising the public's recognition of the manifest unjustness of Penal Law Section 240.37, the Walking While Trans Ban. Its repeal will not undermine public safety, it will improve the public safety. It will allow our constituents who have been too long victimized to breathe freely, to walk freely, to freely be themselves. Repealing this law will tell our constituents that we see them, that we stand with them and that New York will not tolerate their further victimization.

I'm honored to be voting in the affirmative on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Mamdani.

MR. MAMDANI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MAMDANI: In my one month here in the Assembly I've voted for bills with a range of emotions. Some reluctantly, doing so with the knowledge that it is a compromise piece of legislation and yet still a substantial improvement upon the status

quo. But some I have simply been content. A technical piece of legislation that amends a code or introduces additional guiding language. Today, however, I vote on this bill with urgency, with enthusiasm, with conviction and with pride. I vote as my fellow incoming colleague from Queens stated, to honor the work of the advocates and organizers who have brought this day forward. I vote for TS Candii, a Black trans woman who on a summer afternoon in 2017 was smoking outside her apartment when a police officer approached her. He threatened to arrest her under this very section, 240.37. She said she was not engaging in prostitution. He asked her, *How about you work with us, then, to help us identify drug dealers and sex workers in the neighborhood?* He offered \$1,500. She refused. Again, the officer told her he'd book her on prostitution unless she performed oral sex on him. She complied. She has similarly received citations for condoms in her bag and for flagging down a ride-share. In other words, for the act of existence.

I vote for Norma, a trans woman of color who several years ago was stopped by the police under this section for the crime of walking with her boyfriend. The police did not believe that they were a couple even after she showed them their respective tattoos of each other's names. The police then arrested her for, quote, "loitering with the intent for prostitution." And she said, and I quote, "That repeated harassment and cruel interactions with the police often made me afraid to leave my house or even walk in my neighborhood."

I vote for Raquel, a 23-year-old trans woman who

was approached repeatedly by an undercover police officer who asked her again and again if she was working. She told him no. He asked her what \$20 could get him. She walked away. As she says, *Next thing you know, I'm in handcuffs.*

I vote for every trans woman that has ever faced police harassment as a result of this law and for every trans woman whose dignity has ever been taken from them by our carceral State. And as it is always the case with the carceral State, it is Black and Latinx people who are most targeted. In 2018, 91 percent of people arrested under this statute were Black and Latinx. Eighty percent identified as women. In that same year, as my colleagues have noted, there was a 120 percent increase in arrests under this statute with 47 percent of all arrests happening in my Borough of Queens.

Additionally, I would like to respond to some of the statements of my colleagues whom, as per your request, Mr. Speaker, I will not name directly. First, my colleague from Staten Island cited the number of 9-1-1 calls as an indication of the community's concern. I would like to cite many of our incoming members electoral victories, myself included, as an indication of the community's thoughts on this matter. We proudly ran on the repeal of this law and made it a central piece of our platforms. We are proud to represent our districts, and our votes should be understood as representation of our very community's concerns, more so than a collection of phone calls. Additionally, what is impacting the quality of life in our neighborhoods is not the impending repeal of this section of the law, it

is the cutting of basic services across our City and State in the name of austerity. Our streets are not dirty because of sex workers, our streets are dirty because our City and State has systematically been cutting the budget of our brothers, sisters and family beyond the binary in our sanitation department.

Second, my colleague from Upstate remarked that, and I quote, "I don't understand how someone would not want a police officer near them." An inability to understand that desire speaks to how so many in our country, a number which sadly and clearly includes some of our colleagues, wake up every morning and actively choose to look past the violence that defines policing, thereby looking past the reality that so many across our nation face and fear, particularly for Black and Brown people. It was only on Friday that a police officer in Rochester pepper-sprayed a nine-year-old girl. If you cannot understand this, it is not because of a lack of evidence, but because of an active and repeated choice.

Third, while this bill does not decriminalize sex work, I would like to register my support for such legislation. My eagerness for that debate and for my fundamental belief that sex work is work.

Lastly, I want to acknowledge my colleagues who have fought long and hard for this repeal, and to the sponsor of this bill for her leadership. I and my constituents thank you.

Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you. Thank you, Mr. Speaker. I -- I rise to speak on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. ROSENTHAL: First off, I would like to thank the Assembly sponsor who has been tenacious and never gives up when it comes to getting this bill through our House. And I commend her for -- for doing that. I also commend the advocates and the activists and the victims under this law also, for being out there and stating their truth and making the Legislature face what is wrong in our laws. So, you know, the world is a funny place, and in some parts there -- we're making baby steps towards accepting people who they are, as they are, including them in our society. Just recently President Joe Biden nominated Dr. Rachel Levine to be Assistant Secretary of Health. She would be the first openly transgender Federal official to be confirmed by the Senate. And then we have this law here in New York State. I am in complete support of repealing the Walking While Trans Ban, and you have heard from colleagues in -- on both sides of the -- of the aisle why it's such a hurtful and pernicious law. We know that time and time again, trans women and gender-nonconforming people and people of color have been the targets of too much police enforcement, of discrimination, of hatred by those who don't accept them or understand them. But this is not about people's reaction to people who act the way they are, who dress the way they feel like, for walking on streets that they want to walk on. That's not for us to decide, and it is also not for law enforcement to look at someone in a

tight dress or a short skirt and say, *I know why you're here. You're here to solicit for purposes of prostitution.* How can you actually determine that just by looking at someone? And that is the nature of racial profiling, transgender profiling. There is no science behind the profiling. It is simply a bias of the individual who is doing it. And the consequences for trans women and others is that they could get entangled in the criminal legal system which could ruin their lives, and they have done nothing that would occasion an arrest. Forty-nine percent of people arrested under the statute in 2018 were Black and 42 percent were Latina.

You know, it's time for our State to actually meet its promise. The State where anyone can achieve. The golden land where if you come to New York you can fulfill your life's dream. It's really not that, and we see it every single day. So what we're going to do today is bend the arc of the moral universe a little bit closer toward justice. We're going to repeal the Walking While Trans Ban and give people, no matter their gender identity, no matter their color, no matter what they're wearing, the freedom to be who they are in the streets of New York.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. On the bill. I want to mention just three things. First, I want to try to correct the record. I know that there has been some discussion during the course

of this debate about the desire of the local police to want to help sex workers and offer them cooperation so that they can in turn then testify against whoever is higher up in the -- in the chain of, quote, unquote, "illegal activities." But as a lawyer who practiced extensively in our Federal courts and as a lawyer who had a speciality of representing cooperators, both of significance on the national and the international level, I want to say that there is no practical way for local police officers to be able to engage in the sort of interaction with sex workers who can protect them as they testify against whoever the police and the district attorneys want them to testify. It is difficult enough to do this on the Federal level with all the wherewithal that the Federal government has in terms of money with which to support cooperators. It is practically impossible to do this on the local level. This is not the fault of police officers. Most police officers I know go into it because they want to make life better for their communities. But that sort of stuff just doesn't happen.

Secondly, I want to just talk briefly about what New York was like in the mid-1970s. I know one of my colleagues has referred to 240.37 as being an archaic law, and I guess that's true. But I must be pretty archaic myself if I can remember New York at the time 240.37 was enacted. And we have to remember what the atmosphere was like, especially in New York City. The City was on the verge of economic collapse. The City was getting no help whatsoever from the Federal government. As a matter of fact, one of the headlines in our great tabloids was *President Ford to City: Drop*

dead. That's the way it was. And the City itself laid off thousands of workers and thousands, many thousands of New York City residents left the City. It was a time of sadness. It was a time of paranoia. So let me just describe my individual experience with people charged with loitering under 240.37. In 1976 and early '77 I was a public defender with the Legal Aid Society of the City of New York. No sooner was this law which was so overly broad and at the same time so vague enacted then police officers began to conduct sweeps. Sweeps meaning the arrests of large numbers of people at one time, and then they would bring them into court, charged under 240.37 for processing. And I remember one night, late -- it was in the morning, early in the morning, 2, 3:00 in the morning, groups, large groups of people being brought into the Queens Criminal Court. And the judge on -- on that evening, who happened be to a very, very good judge, was just exhausted. And so they would bring in groups of people, offer them a deal for a plea to a violation of law instead of the misdemeanor, and most of them would take it and they'd get a fine and the judge would sentence them. But the judge was so exhausted that for the last few large groups of people, they didn't even plead guilty. The judge just brought them out and sentenced them and they left. So that's what life was like in New York City, and that's a little slice of life the way it was in the Queens Criminal Court at about 2 or 3:00 in the morning.

Finally, I want to thank the sponsor. This is something we should have done long, long ago. Any time we enact

laws that are overly broad, laws that are vague, we allow those laws, those statutes -- statutes to serve as a vehicle for arrests which may not entirely be justified. So I think that's something for us to keep in mind. Again, thanks to the sponsor, and I only regret we did not do this long ago. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Gallagher.

MS. GALLAGHER: Thank you, Speaker. I'd like to speak on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GALLAGHER: Mr. Speaker, I am proud to stand with advocates from across our State, my Assembly colleagues here today, and generations of trans activists of color to call for the full and immediate repeal of the Walking While Trans Ban. Our State is finally starting to recognize the proud history of the trans community. Here in my district, East River State Park was recently renamed after Marsha P. Johnson, a brave and brilliant black queer liberation activist who fought against police harassment and brutality in the years before the -- before and after the Walking While Trans Ban. I am so excited and proud of this rededication. But it will be mere lip service and ring hollow as a tribute if a law remains on the books that criminalizes the very existence of trans people to live and breathe in public.

In 2015, the National Center for Transgender Equity conducted a survey. The results were not surprising. A significant

majority of trans people said they were afraid to interact with the police. Afraid that a call for help would result in profiling, harassment and incarceration. And these fears are sadly warranted. Transgender people are seven times more likely to experience physical violence when interacting with the police compared to cisgender survivors and victims. In jail and in prisons, transgender folks are five times more likely to be sexually assaulted by staff and other prisoners. They are denied medical care and put into solitary confinement at much higher rates. This doesn't even get into the higher rates of homelessness, sexual violence and workplace discrimination that trans folks still encounter every day in this country. This repeal does not address all of those problems. It is a first step, but it is a profoundly necessary one. This State cannot continue to criminalize trans people simply for existing in public.

I'd like to thank the sponsor of this bill. I'm proud to cosponsor this bill, and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Thank you. I want to applaud the sponsor and all of the advocates who've gotten us to this point. Transgender people are sexual survivors. Society is violent to them almost every day. Let's be clear that the system was designed this

way. Designed to arrest low-income people of color, designed to arrest street activity, not high-income crimes. They're designed to maintain a system of power to keep those White wealthy landowners safe. This is a step to claw back this issue. The law is racist. It justifies over-policing in transgender communities and communities of color. I'm a proud cosponsor of repeal the Walking While Trans law. We should listen to our Black and Latina trans women who have told us explicitly they've been targeted for law enforcement under this -- under this law. As a Legislature we represent all constituents in our district, including and especially Black and trans women of color. If you're not taking action to address this discriminatory law, you're not serving as an ally to the LGBTQI+ community, New Yorkers who've been violated for so many years. As a State Legislator, I'm bound to respond to those needs of people in my district and around the State, and voting to repeal the Walking While Trans law is just doing that. I want to thank TSI [sic] Candii, (unintelligible) Garcia, all the advocates and sponsors that led us to this moment. Let's be reminded, not everyone feels the same way about the police and how they interact with police. Calls to 9-1-1 can be used as a weapon. Police can be used as a weapon. And understanding that will help us understand other people's struggles.

Our job here is to relate to other people across our City, State and our country. Repealing this bill takes that step in the right direction. I applaud the sponsor and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Frontus.

MS. FRONTUS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. FRONTUS: Mr. Speaker, I raise my voice today in solidarity with my colleagues and the trans activists around the State of New York. I applaud today's historic vote to repeal the Walking While Trans Ban. Today's vote will send a resounding message that we cannot allow State-sanctioned discrimination and violence. We cannot persecute and traumatize trans members of color who are minding their business and walking down the street simply because of our own ignorance and biases as a society. Today we send a message loud and clear that trans lives matter and that people should be allowed to live and love freely. In 2020 we witnessed a surge of violence against transgender people across the United States. It actually exceeded the violence in previous years. According to the National Center for Transgender Equality, and I quote, "Transgender people – and particularly Black and Latina transgender women – are marginalized, stigmatized and criminalized in our country. They face violence every day, and they fear turning to the police for help." Rather than being responsible for causing fear, terror, shame, humiliation towards the transgender community, we need to make sure that we protect them and that we treat them equally under the law just as every other group in our society demands.

Today we are taking the right step in that direction and I am proud to be a part of this historic moment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Septimo.

MS. SEPTIMO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. SEPTIMO: In New York we've all had a difficult year that has forced us to confront injustices that have plagued our communities for decades. We've shared each other's pain through the loss of loved ones and the trauma that comes with a sustained global pandemic. But so many of us will never understand the reality that it is for our transgender brothers and sisters who in addition to daily assaults on their humanity have had to constantly live under the threat of arrest due to this flawed statute. And I call it flawed because as we've all heard today, it leaves too much to discussion and interpretation. But more importantly, it is flawed because it has been used as a tool of discrimination and repression against New Yorkers who are entitled to the same protection, respect and dignity that we each live with every day.

To my colleagues standing in opposition, I am very disappointed to know that after this year where we have all had an opportunity to learn more about each other's struggles, after hearing about all of the statistics that demonstrate a clearly imbalanced

application of this law, and after hearing the stories of trauma and abuse, that you still believe this is a law that would do well for our State, and that you use the guise of law and order as a shield. I, like you, care about keeping the residents of my district safe, and I know that by allowing a law like this to continue, we are making our communities less safe by demonstrating that protection, equality and dignity are meant for some and not all. That is something that simply cannot stand. New York is a State that needs to stand for the dignity of all New Yorkers, all the time, and this -- the repeal of this deeply flawed statute brings us one step closer to realizing this reality for everyone.

Thank you to the sponsor, Amy Paulin, for defending this effort with vigor, and to the transgender advocates whose fight reminds us that when we fight, we win. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Rivera.

MR. J.D. RIVERA: Thank you, Mr. Speaker. I have a question.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. J.D. RIVERA: There are a lot of things that -- that urge us to serve and take on this call to -- to join legislative Bodies like this one. And today I'm really reminded that what guides me to do this is -- is really the pursuit of equity and of justice. And I believe in the face of injustice that we are left optionless. It's our responsibility to do what is right. And speaking frankly, I'm not

voting for this because my phone has been ringing off the hook, encouraging my support, and I'm not voting for this because it's something that touches my life daily. I'm voting for this because it errs on the side of the voiceless and the disenfranchised. Any method of governing that leads to the drastic disproportionate treatment of people has to be changed.

So I want to thank the sponsor, I want to thank my colleagues. I'm proud to serve in this Body. I'm proud to be part of this group of people that are serving in this time right now in this State and in this country, and I am eager to make bold decisions with the rest of you. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I -- I've appreciated the comments of my colleagues on both sides of the aisle and I think there were a lot of great points made. And I agree with many of the sentiments that have been expressed on both sides of the aisle. I absolutely agree that no one should be penalized for how they look or the clothes they wear or the neighborhood they live in. No one should ever be penalized for being outside their house or leaving a club or going about their business. You should be free to walk in New York State anywhere, regardless of your sexual orientation or your race or your color or your

creed. If you're transgender, that's your business. It should not and is not illegal. And I am deeply offended when anyone is profiled based on any of those factors. And as a practicing attorney for over 40 years, I recognize that sometimes defendants are falsely arrested. And if the arrest is malicious and there's an acquittal, there's a civil cause of action that's been recognized for hundreds of years for false arrest or false imprisonment or malicious prosecution. Having said that, I also think that most of us agree that prostitution is not a great occupation. I don't think any of us would recommend it to our daughters or our sons or to our friends and neighbors. Prostitution at its core involves the objectification of women. It's demeaning. It's dangerous. It's unhealthy. It is not an occupation that lifts humanity to its higher ideals, but rather caters to the lowest common denominator. As the sponsor noted, this legislation was initially enacted in 1976 to clean up Times Square. Sadly, Times Square had a reputation around the world as being a place where there was a tremendous amount of solicitation and prostitution. And people were avoiding the City. People from Upstate, people from other states who don't want to go and see a show on Broadway and be solicited. And so it was part of an effort to change the culture and the attitude of New York City. And it was successful. And many of us here take great pride in the fact that New York City went on to become a shining example of what a great city can be. We saw plummeting crime. We saw plummeting problems all across the board, and New York City saw a revival.

I've heard comments that this bill repeals Walking

While Trans. But I remind my colleagues that whenever we're voting on legislation, we actually have to look at the words. We need to look at the actual language of the statute. And the statutory language has one word that's repeated so often it's -- I've never seen a word repeated so often in one single sentence. And that word, ironically, is repeated. That's the word. Let me just read you from some of the statute. *Any person who remains or wanders about in a public place and who repeatedly beckons or repeatedly attempts to engage in passerbyers [sic] in conversation or repeatedly stops or attempts to stop motor vehicles or who repeatedly interferes with the free passage of others persons for the purpose of prostitution or soliciting prostitution or promoting prostitution.* So the current legislation, by its terms, does not apply based on how you're dressed or how you're walking or whether you're straight, gay, LGBT. It doesn't apply to where you are. The language of the statute talks about repeatedly beckoning, stopping, interfering with traffic, interfering with your free passage on the sidewalk, all for the purpose of being a prostitute or a John or a pimp.

Now, as has been well documented in the debate today, there is no doubt that this language has been used and abused. Yet, as also acknowledged by my colleagues, when there's an arrest that doesn't meet the statutory definition it's thrown out. If that arrest -- arrest was malicious, the victim of that malicious arrest can bring an action for false imprisonment or false arrest or malicious prosecution can seek damages. As an attorney for over 40 years, I've represented

some defendants that were absolutely innocent. Not all of them, but some that were absolutely innocent. In fact, I actually represented a defendant who was arrested. I demanded a preliminary hearing, and rather than get a preliminary hearing, they took it to the grand jury and the grand jury gave a No-Bill, meaning there was no crime. But just because somebody is falsely arrested doesn't mean we go back and repeal the law. We have people that are falsely arrested for speeding. We don't repeal the speeding laws. We have people falsely arrested for selling drugs or being in possession. We don't repeal the drug laws. We have people that are acquitted of murder. We don't legalize murder. Yet here we are saying that there have been people who have been arrested through this statute wrongfully, therefore, we should eliminate the statute. As legislators, I cannot accept that argument. So what is it we are actually voting on in terms of the legislative language? What is the legislative language we're voting on? If we vote to repeal this, what we are saying is that it is okay for someone to repeatedly beckon them. To repeatedly stop innocent passerbyers. Repeatedly interfere with motor vehicles. Repeatedly interfere with your free passage. And repeatedly engage in solicitation for the purpose of prostitution. Is that what we want in New York City? If I come down there with my family to watch a show on Broadway, are we saying it's okay for someone to come up to me and my family and repeatedly interfere with my passage or stop my car or beckon to me or solicit me for the purpose of prostitution? Because that's what we're asked to approve today. We're asked to approve that it's okay to

repeatedly interfere with your free passage and your freedom to walk the streets and your freedom to be free from solicitation for prostitution.

Now, I share with my colleagues on both sides of the aisle a deep, deep concern about sex trafficking. It's horrific. No one in their right mind is defending sex trafficking. No one. But the question then is this: If we pass a law and it says to young women, *That if you're recruited into this sex trafficking, it's okay to apply your trade and repeatedly solicit business. That's no longer illegal. That's okay?* Because I'll tell you what will happen. The pimps who are trying to recruit young, vulnerable women upon the repeal of this statute will tell those young women, *Don't worry, you won't be arrested for soliciting cars or passerbyers or beckoning or summoning them to participate in prostitution.* And the sad, sad unintended consequence is that if we make it easier to engage in prostitution, we make it easier for pimps to engage in sex trafficking.

My friends and colleagues, let's focus on the real issue here. The real issue is that there may be discrimination against transgender people who are walking. The real issue is that there's -- there may be harassment of people who look like they're part of a protected class or different than us or engaging in something that we may not personally endorse. Let's focus on the real issue. Passing legislation that says it's okay to repeatedly beckon, repeatedly stop, repeatedly attempt to stop motor vehicles, repeatedly interfering with the free passage of other persons for the purpose of prostitution, that

doesn't address the problem, does it? It creates a whole wrath of other problems. So I deeply appreciate the concerns of my colleagues about combatting profiling and false arrests and singling out any individual for just standing outside or attending a club or walking down the street. No one should be penalized based on the clothes they wear, whether they're cross-dressing or not cross-dressing. That's their business. But just because a law has not been enforced properly is not an appropriate ground to repeal the law. It's an appropriate ground to require that the law be enforced properly. And for those victims who have been falsely arrested or falsely imprisoned or falsely prosecuted, there is already a civil remedy designed specifically for this purpose to compensate them and to deter that from occurring in the meantime. So, we do not want to make it easier for pimps to engage in sex trafficking. We do not want to make it more uncomfortable for visitors from around the world to visit Times Square. We most assured do not want to go back to 1976 and the problems that were faced at that time. So let's keep our focus on the actual language of what we're being asked to vote on. And let's keep our focus on the real issues that have been articulated so well by so many of my colleagues today on both sides of the aisle. And let's focus on having a solution that addresses the problem and doesn't create other unanticipated problems.

Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Paulin.

MS. PAULIN: Thank you, Mr. Speaker. You know,

in 2017 or around there when I learned about the statute, my first reaction was very similar to some of the comments that I've heard today about concern about repealing any statute that would cause us to arrest pimps or patronizers. And after talking to the advocates for the sex trafficking community and talking to the advocates for the immigration community, I realized that I had to do this bill. And I want to just address a few of the things that I've just heard. I want to read you again this statute and add a little. *Any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops or repeatedly attempts to stop or repeatedly attempts to engage passersby in conversation or repeatedly stops or attempts to stop motor vehicles or repeatedly interferes with the passage of others persons for the purpose of taking a picture with Superwoman. For the purpose of taking a picture with Mickey Mouse.* That's what's happening in Times Square now. When you walk in Times Square, you're repeatedly stopped, you're repeatedly engaged in conversation, you're repeatedly beckoned to for the purposes of taking a photograph. Now, why isn't that behavior wrong? It's harassment, perhaps, which is, of course, in another statute. It's stopping a car until, of course, we said there could be no more cars in Times Square, which is disorderly conduct. But it's for something that we don't object to. It's free speech when we don't object to the final behavior. Well, let me just also read you the statute on prostitution. *A person is guilty of prostitution -- this is the -- this is the part we're not repealing -- when such person engages or agrees or offers -- or offers -- to engage in sexual conduct*

with another person. We're not repealing that. So if that person who beckoned, if that person who stopped a car, if that person who repeatedly engaged in a conversation merely offered, merely offered to have sex, they could be arrested. So on what basis do we have this statute? This statute is only punishing someone for beckoning, similarly to the picture-taker. Repeatedly beckoning like the picture-taker. But because at the end we think picture taking is okay and we worry that the woman in a short dress somehow is going to entice that guy into her bedroom, it's not okay. This statute is vague. This statute is discriminatory on its face. And who are the targets? It's women. It's not just transgender women, it's me too. It's all women. This statute is discriminatory on its face for -- against all women, and it doesn't belong in the New York State statutes. It does not belong in our laws. Its repeal is long overdue. It was due in 1977, right after that convention. And I'm proud to be the sponsor of the bill. I am proud that this means that sex trafficking victims won't have to go to court to vacate these -- this -- the -- the potential arrest and conviction so that they can get a job. I'm proud to sponsor this statute because that means that someone who wants to seek asylum, which they can do in our -- in our country for being transgender, because they know if they go home, 11 countries are going to murder them. They can do it because they don't have a crime involved with moral turpitude on their record. So I am proud to be the sponsor because repealing this statute helps people. It helps people. And it helps get rid of the last blatantly discriminatory language against women in New

York State law.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk -- on a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.1351. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Caucus will be generally voting in the negative. But those members who wish to vote in the affirmative should contact the Minority office so that we can properly record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to remind the Majority colleagues that we will be voting in the affirmative on this one. Those wishing or desiring to vote otherwise should please contact the Majority Leader's office and

we will so record your exception.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

To explain his vote, Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to interrupt and take this opportunity to explain this vote. First of all, I want to thank the sponsor of this legislation as well as the hundreds, if not thousands, of activists who have lobbied our -- our House and our Legislature for years and for some of them for decades in repealing this onerous part of the Penal Code. This day, this vote affirms in my mind something that has been long overdue and needs to be said out loud. Trans lives matter. Their voices matter. Their experiences matter, and more importantly, that their truths matter.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. To explain my vote. I am proud to support this legislation to repeal the anti-loitering for the purposes of prostitution law enacted in 1976, commonly known as the Walking While Trans Ban. I'm so grateful to the sponsor, Assemblymember Amy Paulin, for her steadfast advocacy on this piece of legislation, and I'm thankful for all my colleagues who are supporting this legislation. Walking While Trans, because of its vagueness, has been implemented in an arbitrary and discriminatory

way by targeting marginalized women at high risk for sex trafficking, exploitation and abuse. It's yet another criminal law enacted in the '70s that has had a disparate impact on women and an unequal, unjust and unfair impact on my LGBTQ+ community, and in particular, trans women of color. Trans women are arrested simply for standing outside, speaking to one another or walking on the street. They are arrested because they have an Adam's apple, big hands or feet. This law is the embodiment of us versus them. And if you look different than I do, then you're another. And others are not treated with respect. This must end now. Let's be clear here. The measure we pass today does not sanction prostitution. Nor does it prevent an arrest when a person is engaging in or offers to engage in prostitution. Instead, this measure corrects an injustice of 40-plus years and replaces it with fairness and basic human rights. This measure we pass today looks through the lens of social and racial justice and says no one should be arrested for living their authentic self or for merely what they look like.

Mr. Speaker, I proudly stand with my LGBTQ+ community and will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I just want to thank everybody for the debate today, but I want to make something crystal-clear. As I mentioned during the debate, I was in the unit that

participated and effected over 1,000 of these arrests, and I'm very proud that I was able to treat everybody I encountered with respect and dignity. And that's evident in the fact that I received no civilian complaints in regards to those arrests. I received no lawsuits in regards to those arrests. Why? Because I did that professionally. And some of -- some of my colleagues here have mentioned that there are some instances -- and I will never deny it, there are some officers that may not do things the way they're supposed to, and they should be held accountable for that. And my colleague mentioned earlier that if there needs to be something changed where it comes to protocols, we should do that. But I still stand by that this will bring other crimes like carjacking, more violent crimes that I witnessed firsthand doing these operations, and I think that that is something that really is going to bog down on our communities. And I want to -- I want to just understand that this was both -- those arrests I made were not necessarily just male or female or transgender. It was all kinds and I treated everybody with respect and I applied that law equally and equitable under the laws of the State. And that's why I'm going to be voting in the negative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Ms. Forrest.

MS. SOUFFRANT FORREST: Thank you, Mr. Speaker. Thank you, Assemblywoman Paulin for sponsoring this bill

and thank you to the advocates for sharing their stories --

ACTING SPEAKER AUBRY: Is the member unmuted? I can't...

MS. SOUFFRANT FORREST: Can you hear me now? Oh, sorry. All right. Thank you, Assemblywoman Paulin, for sponsoring this bill and thank you for advocates for sharing your stories and sharing it with us legislators. This bill seeks to correct an injustice to Black and Brown women and transgender person. The repeal of loitering law reestablishes basic rights. The basic right to walk down the street. Basic right to enjoy your community as you please. A basic right to be human and be free.

And so yes, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Forrest in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I support this legislation which repeals the section of New York law which was intended to better the quality of life in our neighborhoods by banning loitering for the purposes of prostitution. But as we've heard over and over again, this Penal Law section has rarely been used as it was intended, but has often been used to harass women and members of our LGBTQ community. The courts have repeatedly cautioned that loitering laws are suspect under the U.S. Constitution's 5th and 14th Amendments. Many such laws have been invalidated for violating the Equal Protection and Due Process Clauses. Many

attacked as void for vagueness. Providing insufficient notice to the ordinary person as to what activities are prohibited. Not being sufficiently clear to deter -- to deter arbitrary and discriminatory enforcement. It's clear to me that this statute suffers from all of these affirmatives about which the courts have warned. Rather than protecting the quality of life, this statute has facilitated discriminatory enforcement against already marginalized classes of people and has had a disparate impact on women and even more on the LGBTQ community. And to the fears of those who are concerned we're undermining the quality of life, there are many other statutes to prevent and penalize the illegal activities they're concerned about. Just recently, the District Attorneys of the State of New York voted to support the legislation we're passing now. They said, *Over time, this statute has come to be used in ways that wrongfully profile people and even lead to their arrest based on nothing more than gender expression or appearance. The vague wording of the statute has allotted to be disproportionately used against women, trans people and people of color based solely on their appearance.*

Mr. Speaker, I vote yes.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker. To explain my vote. I would like to rise in support of this legislation, and I want to talk to the advocacy that has happened in our State in order

to get us to this point. I want to thank those who have come up to Albany. Those who have spoken to our offices, called our offices, e-mailed us to tell us their stories. Their stories have been uplifted here today. And I also want to say that this is not about public safety and the preservation of public safety. As we heard here today, when this statute was passed it was a different City, it was a different State. This here is about perceived criminality. And the fact that the perceived criminality is usually vulnerable people of color, people who identify as trans, Black and Brown women across our State. We must seek out justice for people who have been harassed and who have been put in danger by the evils of the criminal justice system that seeks to disproportionately impact communities of color. My community included. The community of many of our colleagues included. I want to say that our colleagues spoke very eloquently today about the impacts. But this has true impacts on the livelihoods, the employability, the ability to have dignified housing for trans people of color in our State, and I'm proud to vote yes on this bill and will continue to stand up for our trans brothers and sisters in New York State.

Thank you.

ACTING SPEAKER AUBRY: Ms. De La Rosa in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote. This is a very important piece of

legislation that I am proud to cosponsor, and I do thank the bill sponsor and all the advocates for their hard work on this. It's unacceptable that today the law targets the same marginalized groups that are at higher risk for sex trafficking and other forms of exploitation and abuse. Repealing this archaic law will bring us one step closer to ending discrimination against trans women and women of color, but our work is far from over. As a former Assistant District Attorney, I am pleased that the DA's Association has endorsed this. I thank the bill sponsor, Amy Paulin. This is long, long overdue and I'm very honored to cast my vote today in honor of Doris Dear and Melissa and Diane and all of my trans friends.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Ms. Kelles.

MS. KELLES: Thank you, Mr. Speaker. To explain my vote in the affirmative. I want to thank with my whole heart the sponsor of this legislation, Amy Paulin. This is not a bill about prostitution, as it has been suggested today. This is a bill about humanity, about freedom and about walking with pride. This is not about looking exclusively at the language of the statute. This is about humbly, as legislators, acknowledging and accepting the reality and practice of the law as it has been. If we find that the practice of the law does not align with the original intent of a law, it is our duty to amend our law. Our mandate is to protect. I would like to remind

everyone that there are countless laws on the books to address disorderly conduct, menacing behavior and harassment, and nothing about this repeal eliminates law enforcement's ability to police these issues. We amend laws all the time. We change laws when they no longer serve. And the law as it has been for far too long does not serve. "Repeatedly" has not been the criteria used to implement this law, and this -- this is why I am voting to repeal this statute.

Thank you.

ACTING SPEAKER AUBRY: Ms. Kelles to -- in the affirmative.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote on this most important issue. Now, for my entire working life supporting and defending the Constitution of the United States in the Marines, it was about protecting people's freedom, to be able to enjoy their liberty. Liberty is something that's the quality or state of being free. It's the freedom from arbitrary or despotic control, it's also the positive enjoyment of social, political or economic rights and privileges. And there's a couple aspects of liberty that I think are important here in this bill. One of them is that positive liberty is the -- is the possession of the capacity to act upon one's free will, as opposed to negative liberty, which is freedom from external restraint on one's actions. And in this case, the repeal of this law will enhance liberty --

ACTING SPEAKER AUBRY: Mr. Smullen has

been locked out.

MR. SMULLEN: And what I also want to mention, though, is that this -- this law was passed long ago when conditions were different. And it is okay to change the law, especially when there are other statutes on the books which will allow law enforcement to enforce the rule of law which is also very important to New York State. So we have a common framework and a common environment in which we go about our business in the State for our laws which are just and which are fair to all citizens of our great State.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Smullen in the affirmative.

Ms. Dickens.

MS. DICKENS: Permission, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MS. DICKENS: Thank you. I commend the sponsor of this legislation, but most importantly, I commend the advocates. Those who wrote the thousands of letters, e-mails and texts. Those who came to the Capitol to request freedom. Freedom from being attacked. Freedom from arrest. Freedom that should be free but wasn't. I strongly support this legislation. This now provides our communities with safety for all to be able to walk on the streets without fear of being arrested or being attacked for -- for the way they dress, for the way they walk, for the way they look, for -- for the way

that they have chosen a lifestyle. As a Black woman in this country, I thoroughly understand the -- the hate and the racism against color and against the transgender community.

Thank you to the sponsor, and thank you, Mr. Speaker, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Dickens in the affirmative.

Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like to be excused from voting to explain my vote. This is clearly a human rights bill. This has certainly -- what's happening is discrimination going on against individuals, LGBTQ+ individuals, women and others without achieving any intended purpose. I'm very proud -- and the sponsor of this bill and I went on as a co-prime sponsor early on -- the sponsor of this bill spent years working on this, and -- and I really want to commend her efforts on this. And she had pointed out to me a few days ago that my late father, Saul Weprin, proudly voted against the original statute and I'm -- I'm proud to join in his tradition and our tradition of antidiscrimination and I'm proud to vote for this bill, for this repeal.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Perry.

You have got to unmute yourself, Mr. Perry. There

you go.

MR. PERRY: Thank you. Yes, thank you, Mr. Speaker. I've been listening to one of my colleagues relate a friend's horrible experience of the undeserved harassment and deliberate violation of her legal and constitutional rights protected -- constitutionally protected rights to not only freely walk on our streets, just as they chose a vote other than to erase this awful law from our Penal Code would be a clear example of not only tone deafness, but perhaps even worse. It could even be a clear indicator of unfitness to be empowered with the privilege of voting as a legislator. If you fail to understand that there is something wrong with this way -- with the way this antiquated law is written, than I dare say voters can't have known who they elected.

I applaud and congratulate the sponsor and proudly cast my vote in the affirmative. Thank you, Mr. Speaker. I withdraw my request.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the affirmative on this legislation: Mr. Byrne, Mr. Mike Lawler and Mr. Smullen.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Buttenschon, Griffin, Eichenstein and Santabarbara in the negative on this one, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could call on Member Hunter for an announcement.

ACTING SPEAKER AUBRY: Ms. Hunter for the purposes of an announcement.

MS. HUNTER: Yes, thank you, Mr. Speaker. There will be an immediate need for a Majority Conference at the conclusion of our Session.

ACTING SPEAKER AUBRY: Immediate Majority Conference at the conclusion of Session.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. If you would please call on Mr. Norris for an important announcement.

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of an announcement.

MR. NORRIS: Thank you, Mr. Speaker. There will be a Minority Conference at 4:50 today, at 4:50 via Zoom.

ACTING SPEAKER AUBRY: Minority Conference
at 4:15.

MR. NORRIS: 50.

ACTING SPEAKER AUBRY: 4:50 via Zoom.

Thank you so very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you
have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes,
we do not.

MRS. PEOPLES-STOKES: Awesome. Well now,
Mr. Speaker, I move that the Assembly stand adjourned until 10:00
a.m. Tuesday, February the 2nd -- no, no, no, no, no, tomorrow is
Wednesday, February the 3rd -- I know that day very well because it's
my late daughter's birthday -- tomorrow being a Session day.

Thank you.

ACTING SPEAKER AUBRY: The Assembly stands
adjourned.

(Whereupon, at 4:39 p.m., the House stood adjourned
until Wednesday, February 3rd at 10:00 a.m., that being a Session
day.)