



IWV and IWLC Oppose Assembly Bill 709

March 30, 2023

Dear Members of the New York State Assembly,

Independent Women's Voice (IWV) and Independent Women's Law Center (IWLC) are leading national women's organizations dedicated to advancing common-sense public policies that expand people's freedom, opportunity, and well-being. On behalf of IWV and IWLC, we strongly urge you to reject **New York Assembly Bill 709**, which would force prisons in New York to allow male offenders to transfer to women's facilities.

Assembly Bill 709 would automatically place inmates in the facility that aligns with their "self-attested gender identity," irrespective of biological sex. Alarming, AB 709 forbids correctional institutions from requiring any documentation supporting claims of "gender identity" and allows inmates to transfer in and out of opposite-sex prisons at will and irrespective of whether they have taken steps to medically transition.

The risks to incarcerated women posed by AB 709 should be obvious. In other states, allowing intact male offenders to reside in women's prisons has resulted in pregnancies and sexual assaults of female inmates. For example, in **California**, an "inmate with a penis" sexually assaulted a female inmate in a women's prison. In **New Jersey**, two female prisoners became pregnant by a male inmate who is housed in the women's prison.

Biological sex differences matter, and in institutional settings, sex separation serves the important—indeed, compelling—government interest in maintaining safety and protecting privacy. When it comes to prison placement policies, the default position should be: only biological females may be housed in women's prisons and only biological males may be housed in men's prisons.

This is exactly why IWV and IWLC created the **Women's Bill of Rights** (WBOR), a measure to legally define sex and other sex-based words, such as female and woman. WBOR would allow prisons to set sex separation as the default position but still accommodate trans-identified inmates on a case-by-case basis as required by law.

We urge you, in the strongest of terms, to protect incarcerated women by voting against AB 709 and considering the adoption of the Women's Bill of Rights.

Respectfully,

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