



Senator Scott Wiener, 11th Senate District

Senate Bill 990- Dignity and Opportunity Act

SUMMARY

SB 990 will require that during an initial intake and classification process a person under the jurisdiction of the Department of Corrections and Rehabilitation or imprisoned within a county jail will have the opportunity to specify their gender identity, preferred first name, gender pronoun, and honorific and require that they be used by facility staff.

Further, SB 990 will require that a person in the custody of the Department of Corrections and Rehabilitation or in a county jail who is placed for more than 5 days in a setting other than general population housing due to the person being at risk for sexual victimization or other forms of assault or harassment, or because of an investigation not resulting from the person's own alleged violation of criminal laws or institutional rules, have equal access to programming and work opportunities as provided to individuals housed in general population.

BACKGROUND/EXISTING LAW

Existing law establishes the right of a person under the jurisdiction of the Department of Corrections and Rehabilitation or sentenced to county jail to petition the court to obtain a name or gender change. Existing law requires the department or county jail to use the new name of a person who obtains a name change in all documentation of the person, and to list the prior name only as an alias.

Existing law requires the department to consider certain factors in their inmate classification and housing assignments procedures to prevent sexual violence and promote inmate safety.

PROBLEM

Transgender incarcerated individuals do not have the opportunity to affirm their own gender identity, preferred first name, gender pronoun, or honorific when entering a facility. Current law also does not clearly require staff to refer to the individual by their specified name, gender identity, gender pronoun or honorific. This demeans the dignity, and erases the authentic identity, of transgender individuals.

Due to circumstances outside of their control, Lesbian Gay Bisexual Transgender and Queer (LGBTQ) people are typically at much greater risk for sexual victimization and other forms of assault or harassment in custody. Because they are at heightened risk, prison and jail staff often remove LGBTQ people from the general population and place them in housing placements with limited or no access to rehabilitative programming, educational programming, religious programming and work opportunities. Access to programming and work opportunities is critical for successful rehabilitation and for earning credits towards release. As a result of current housing practices, LGBTQ people experience more isolation, spend more time in custody, and leave custody less prepared to succeed.

SOLUTION

SB 990 will change state law to require that incarcerated people whether in the custody of the Department of Corrections and Rehabilitation or any other public or private prison or jail to indicate during the intake process their gender identity, preferred first name, gender pronoun, and honorific and for all department staff, facility staff, and contractors to use the incarcerated person's preferences in all written and verbal communication.

SB 990 will also allow incarcerated individuals housed outside of general population for more than 5 days to receive the same programming

opportunities as individuals housing in general population which will help reduce isolation and reduce recidivism.

STATUS

Spot bill introduced on 02.05.2018
Amended in Senate on 03.14.2018
Passed Senate Public Safety 6-0-1
Passed Senate Judiciary 7-0

SUPPORT

American Civil Liberties Union (Sponsor)
Equality California (Sponsor)
Lambda Legal (Sponsor)
A New Way of Life
ACCESS Women's Health Justice
AIDS Project East Bay
American Academy of Pediatrics
Asian Law Alliance
Bay Area Lawyers for Individual Freedom
Black Women for Wellness
California Latinas for Reproductive Justice
Legal Services for Prisoners with Children
Minority AIDS Project
National Center for Lesbian Rights
National Council for Jewish Women, California
Nevada County Citizens for Choice
Physicians for Reproductive Health
Positive Women's Network
Project Inform
San Diego LGBT Center
Silicon Valley Stonewall Democratic Club
South Asian Network
St. James Infirmary
TGI Justice Project
The LGBTQ Center Long Beach
Transgender Law Center

FOR MORE INFORMATION

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