

## An Intersection of Health and Housing for Transgender, Non-Binary, and Intersex People in California State Prisons

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### Abstract

The U.S. prison system is binary focused, resulting in prisons across the country often not recognizing intersex and non-binary incarcerated individuals. Although this population exists in prisons, their experiences are not well-studied. This paper examines housing policy, specifically the Prison Rape Elimination Act (PREA) and what it includes and excludes about non-cisgender people in prison, how legislation creates negative health outcomes associated with unmet housing needs, and possible solutions for improving the wellbeing of transgender, non-binary, and intersex individuals in California state prisons after the state's recent implementation of Senate Bill (SB) 132. On January 1, 2021, (SB) 132, *The Transgender Respect, Agency, and Dignity Act*, took effect granting incarcerated people the right to choose to be housed in male or female prisons, regardless of anatomy, and to be searched in a manner consistent with their gender identity. Through a policy analysis of secondary literature and interviews with gender nonconforming people in prison, this paper argues that non-cisgender people's right to gender-affirming housing should be guaranteed, and their choice should always be prioritized unless it poses immediate danger to themselves or others.

**Keywords:** criminal justice system; California Senate Bill 132; Prison Rape Elimination Act, LGBTQ+; incarceration