

STATE-BY-STATE HOUSING POLICIES FOR TRANS-IDENTIFYING INMATES



44 states

determine housing
for trans-identifying
inmates on a case-
by-case basis



4 states

determine housing
for trans-identifying
inmates based on
gender identity



2 states

do not determine
housing for
trans-identifying
inmates based on
gender identity



States That Do Not Allow the Housing of Trans-Identifying Inmates Based on Gender Identity



Louisiana

- Does not allow housing of trans-identifying inmates based on gender identity.
- The state's DOC PREA [Policies](#) (2017) align with the federal PREA guidelines.
- [HB 608](#), "The Women's Safety and Protection Act" (2024), defines male and female as binary and immutable; defines sex as male or female, and gender identity and other subjective terms do not apply.
- The law prohibits males from being housed in female facilities.



Utah

- Does not allow housing of trans-identifying inmates based on gender identity.
- The state's Handbook sets forth [policies](#) (2022) that are not in full compliance with federal PREA guidelines. Utah has never adopted the federal PREA standards, therefore it is exempt from following the guidelines.
- [HB 316](#), "Inmate Assignment Amendments" (2024), prohibits males from being housed in female facilities.



States That Allow the Housing of Trans-Identifying Inmates by Gender Identity:



California

- Allows housing trans-identifying inmates by gender identity.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- [SB 132](#), "The Transgender Respect, Agency and Dignity Act" (2021), requires trans-identifying inmates "to be housed at a facility based on the inmate's preference."



Connecticut

- Allows housing trans-identifying inmates by gender identity.
- The state's DOC PREA [Policies](#) (2015) align with the federal PREA guidelines.
- Connecticut has a separate [policy](#) (2023) for trans-identifying inmates, in addition to their PREA policies.
- Connecticut General Statute [§ 18-81ii](#) (2018) allows inmates to be housed in a facility consistent with their gender identity if the inmate has a diagnosis of gender dysphoria and has a birth certificate, passport, or driver's license that reflects his gender identity.



Maine

- Allows housing trans-identifying inmates by gender identity.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Maine has a separate [policy](#) (2023) for trans-identifying inmates, in addition to their PREA policies.



New Jersey

- Allows housing trans-identifying inmates by gender identity.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- New Jersey has a separate [policy](#) (2022) for trans-identifying inmates, in addition to their PREA policies. Initially effective in 2019, the policy allowed inmates to be housed according to their gender identity. However, the DOC revised the policy in 2022, after two women housed at a female prison became pregnant by a male inmate. Under the new policy, there is a rebuttable presumption that the inmate will be housed in line with his gender identity. The rebuttable presumption mandate allows the PREA committee to deviate from the presumptive gender identity housing placement only after a hearing.



States That Allow The Housing of Trans-Identifying Inmates on a Case-By-Case Basis:

Each state's DOC PREA policies align with the federal PREA guidelines. Many states have additional protections as outlined in separate policies for trans-identifying inmates, in addition to their PREA policies.

Below are the relevant PREA guidelines adopted by each state, set forth in the Code of Federal Regulation § 115.42:

*(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a **case-by-case basis** whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.*

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

(e) A transgender or intersex inmate's own views with respect to his own safety shall be given serious consideration.

(f) Transgender or intersex inmates shall be given the opportunity to shower separately from other inmates.



Alabama

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2016) align with federal PREA guidelines.
- Alabama has a separate [policy](#) (2018) for inmates diagnosed with gender dysphoria.



Alaska

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2019) align with the federal PREA guidelines.
- Alaska does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Arizona

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Arizona has a separate housing [policy](#) (2023) and a separate management [policy](#) (2024) for trans-identifying inmates, in addition to its PREA policies.



Arkansas

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Arkansas does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Colorado

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Colorado does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Delaware

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Delaware has a separate [policy](#) (2024) for trans-identifying inmates, in addition to its PREA policies.



Florida

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- Florida has a separate [policy](#) (2019) for trans-identifying inmates, in addition to the state's DOC PREA policies.
- Inmates with a diagnosis of gender dysphoria, on a case-by-case basis, will be placed at one of the designated treatment facilities for gender dysphoria.



Georgia

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2014) align with the federal PREA guidelines.
- Georgia has a separate [policy](#) (2022) for trans-identifying inmates, in addition to its PREA policies.



Hawaii

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Hawaii does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Idaho

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Idaho does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Illinois

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Illinois has a separate [policy](#) (2021) for trans-identifying inmates, in addition to its PREA policies.



Indiana

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Indiana has a separate [policy](#) (2023) for trans-identifying inmates, in addition to its PREA policies.



Iowa

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Iowa does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Kansas

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- Kansas has a separate [policy](#) (2019) for trans-identifying inmates, in addition to its PREA policies.



Kentucky

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Kentucky has a separate [policy](#) (2018) for trans-identifying inmates, in addition to its PREA policies.



Maryland

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Maryland has a separate [policy](#) (2023) for trans-identifying inmates, in addition to its PREA policies.



Massachusetts

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Massachusetts has a separate [policy](#) (2024) for trans-identifying inmates, in addition to its PREA policies.



Michigan

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Michigan has a separate [policy](#) (2021) for trans-identifying inmates, in addition to its PREA policies.



Minnesota

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2018) align with the federal PREA guidelines.
- Minnesota has a separate [policy](#) (2024) for trans-identifying inmates, in addition to the state's PREA policies.



Mississippi

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Mississippi has a separate [policy](#) (2021) for trans-identifying inmates, in addition to its PREA policies.



Missouri

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2016) align with the federal PREA guidelines.
- Missouri has a separate [policy](#) (2019) for trans-identifying inmates, in addition to the state's PREA policies.



Montana

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Montana does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Nebraska

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Nebraska does not have a separate policy for trans-identifying inmates apart from the state's PREA policies.



Nevada

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Nevada has a separate [policy](#) (2017) for trans-identifying inmates, in addition to its PREA policies.



New Hampshire

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- New Hampshire has a separate [policy](#) (2015) for trans-identifying inmates, in addition to the state's PREA policies.



New Mexico

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- New Mexico has a separate [policy](#) (2023) for trans-identifying inmates, in addition to its PREA policies.



New York

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- New York has a separate [policy](#) (2019) for trans-identifying inmates, in addition to the state's PREA policies.



North Carolina

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- North Carolina has a separate [policy](#) (2018) for trans-identifying inmates, in addition to its PREA policies.



North Dakota

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- North Dakota has a separate [policy](#) (2022) for trans-identifying inmates, in addition to the state's PREA policies.



Ohio

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Ohio has a separate [policy](#) (2018) for trans-identifying inmates, in addition to its PREA policies.



Oklahoma

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Oklahoma has a separate [policy](#) (2022) for trans-identifying inmates, in addition to the state's PREA policies.



Oregon

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- Oregon has a separate [policy](#) (2022) for trans-identifying inmates, in addition to its PREA policies.



Pennsylvania

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- Pennsylvania does not have a separate policy for trans-identifying inmates apart from the state's PREA policies: Section 19 – “Working with Transgender and Intersex Inmates.”



Rhode Island

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2021) align with the federal PREA guidelines.
- Rhode Island has a separate [policy](#) (2023) for trans-identifying inmates, in addition to its PREA policies.



South Carolina

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- South Carolina has a separate [policy](#) (2017) for trans-identifying inmates, in addition to the state's PREA policies.



South Dakota

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2023) align with the federal PREA guidelines.
- South Dakota has a separate [policy](#) (2021) for trans-identifying inmates, in addition to its PREA policies.



Tennessee

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2020) align with the federal PREA guidelines.
- Tennessee has a separate [policy](#) (2019) for trans-identifying inmates, in addition to the state's PREA policies.



Texas

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2019) align with the federal PREA guidelines.
- Texas does not have a separate policy for trans-identifying inmates apart from their state PREA policies/Safe Prisons Policy set forth above.
- Texas has a separate [policy](#) (2022) for inmates diagnosed with gender dysphoria.



Vermont

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2014) align with the federal PREA guidelines.
- Vermont has a separate [policy](#) (2015) for trans-identifying inmates, in addition to its PREA policies.



Virginia

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Virginia has a separate [policy](#) (2024) for trans-identifying inmates, in addition to the state's PREA policies.



Washington

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- Washington has a separate [policy](#) (2023) for trans-identifying inmates, in addition to its PREA policies.



West Virginia

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- West Virginia has a separate [policy](#) (2020) for trans-identifying inmates, in addition to the state's PREA policies.



Wisconsin

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2022) align with the federal PREA guidelines.
- Wisconsin has a separate [policy](#) (2024) for trans-identifying inmates, in addition to its PREA policies.



Wyoming

- Determines housing for trans-identifying inmates on a case-by-case basis.
- The state's DOC PREA [Policies](#) (2024) align with the federal PREA guidelines.
- Wyoming has a separate [policy](#) (2023) for trans-identifying inmates, in addition to the state's PREA policies.