

ASSEMBLY RESOLUTION No. 138

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Urges Congress to pass “Gay and Trans Panic Defense Prohibition Act of 2019.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ASSEMBLY RESOLUTION** urging Congress to pass the “Gay and
2 Trans Panic Defense Prohibition Act of 2019.”

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4 **WHEREAS**, Historically, lesbian, gay, bisexual, transgender, or queer
5 (LGBTQ) people have faced disproportionately high rates of
6 violence because of their sexual orientation or gender identity; and

7 **WHEREAS**, The discovery of someone’s sexual orientation or gender
8 identity, even when accompanied by an unwanted, non-violent
9 sexual advance, should never be a reasonable explanation or excuse
10 for violence; and

11 **WHEREAS**, In criminal proceedings, “gay panic defense” and “trans
12 panic defense” is a legal strategy that asks the jury to find that a
13 victim’s sexual orientation or gender identity/expression is to blame
14 for a defendant’s violent reaction, including murder; and

15 **WHEREAS**, Although gay or trans panic is not a freestanding defense
16 to criminal liability, gay or trans panic arguments are used as
17 grounds for traditional defenses of provocation, self-defense,
18 insanity, or diminished capacity; and

19 **WHEREAS**, Such defenses seek to partially or completely excuse
20 crimes such as murder and assault on the grounds that the sexual
21 orientation or gender identity of the victim is provocation enough
22 for the violent reaction of the defendant; and

23 **WHEREAS**, Gay and Trans panic defenses appeal to irrational fears and
24 hatred of the LGBTQ individuals, thereby undermining the
25 legitimacy of criminal prosecutions and resulting in unjustifiable
26 acquittals or sentencing reductions; and

27 **WHEREAS**, While New Jersey became one of the few states to prohibit
28 homicide defendants from claiming gay or trans panic defense by
29 enacting P.L.2019, c.468, much remains to be done at the federal
30 level; and

31 **WHEREAS**, Gay and trans panic defenses, which continue to be raised
32 in criminal proceedings in federal courts across the United States,
33 are remnants of a time when widespread public antipathy was the
34 norm for LGBTQ individuals; and

35 **WHEREAS**, Gay and transgender panic defenses are rooted in
36 homophobia and often used to justify violence against vulnerable
37 populations, and it is fitting and proper for this House to urge the
38 United States Congress to pass the “Gay and Trans Panic Defense
39 Prohibition Act of 2019”; now, therefore,

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41 **BE IT RESOLVED** *by the General Assembly of the State of New*
42 *Jersey:*

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44 1. This House urges the President and the United States
45 Congress to pass the “Gay and Trans Panic Defense Prohibition Act
46 of 2019” in order to end LGBTQ panic defenses and to reflect
47 modern understanding of LGBTQ individuals as equal citizens
48 under law.

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