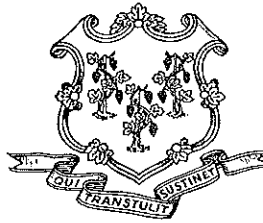


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March 29, 2019

Good afternoon Senator Winfield, Representative Stafstrom and members of the Judiciary Committee. I am here to express my support for SB 58, AN ACT CONCERNING GAY AND TRANSGENDER PANIC DEFENSE. It is stunning that as of last year only three states (California, Illinois, and Rhode Island) have banned the use of Gay and Transgender panic as a criminal defense. According to the Williams Institute at the UCLA School of Law these defenses have been used in approximately half of the states<sup>1</sup>

The gay or trans panic defense is not used on its own; it is generally part of claims that the defendant, upon learning the victim's sexual orientation or gender identification 1. became violent in the heat of the moment, 2. suffered a temporary mental breakdown/diminished capacity which drove the defendant to violence or 3. believed that upon learning the sexual orientation/gender identity of the victim, the defendant was in danger of immediate bodily harm.<sup>2</sup> The result of the use of this defense has led to lesser charges and shorter sentences for some

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<sup>1</sup><https://williamsinstitute.law.ucla.edu/wp-content/uploads/2016-Model-GayTransPanic-Ban-Laws-final.pdf>

<sup>2</sup><https://williamsinstitute.law.ucla.edu/wp-content/uploads/2016-Model-GayTransPanic-Ban-Laws-final.pdf>

perpetrators of violent crimes.<sup>3</sup> This is baffling since as Rep. Joseph Kennedy (MA) commented “Murdering or assaulting anyone because of their sexual orientation or gender identity is not a defense — it is a hate crime.”<sup>4</sup> Carried to its logical extreme, a defendant could seek to use irrational bigotry as a defense against charges of violence directed at any racial, ethnic, or religious group. The potential outcome could be complete evisceration of our hate crimes law. Connecticut should join California, Illinois, and Rhode Island and prohibit the use of this abhorrent defense.

Thank you for hearing this important legislation

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<sup>3</sup><https://www.nbcnews.com/feature/nbc-out/new-york-lawmakers-look-ban-controversial-gay-panic-defense-n962716>

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