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1 According to the [LGBTQ Bar](#), the LGBTQ+ “panic” defense is “a legal strategy that asks a jury to find that a
2 victim’s sexual orientation or gender identity/expression is to blame for a defendant’s violent reaction, including
3 murder. It is not a free-standing defense to criminal liability, but rather a legal tactic used to bolster other defenses.
4 When a perpetrator uses an LGBTQ+ ‘panic’ defense, they are claiming that a victim’s sexual orientation or
5 gender identity not only explains—but excuses—a loss of self-control and the subsequent assault. By fully or
6 partially acquitting the perpetrators of crimes against LGBTQ+ victims, this defense implies that LGBTQ+ lives
7 are worth less than others.”

8 Countless legal scholars have come out against the LGBTQ+ “panic” defense. In 2008, Professor Cynthia Lee
9 published a paper titled “[The Gay Panic Defense](#)” in the George Washington University Law Review Journal.
10 There, she argued that “gay panic arguments are problematic because they reinforce and promote negative
11 stereotypes about gay men as sexual deviants and sexual predators,” as well that they “capitalize on an
12 unconscious bias in favor of heterosexuality, which is prevalent in today’s heterocentric society.”

13 In 2020, Professor Lee published a follow-up paper titled “[The Trans Panic Defense Revisited](#)” in the George
14 Washington University Law Review. There, Professor Lee extended the discussion of the “panic” defense to how
15 it affected transgender individuals in general and trans women of color in particular. She explains that “[a] murder
16 defendant asserting trans panic will claim that the discovery that the victim was a transgender female—an
17 individual thought to be male when born who identifies as a woman—provoked him into a heat of passion, causing
18 him to lose his self-control.” Similarly to how the gay “panic” defense relied on negative stereotypes about gay
19 men, Professor Lee argues that this does the same with trans women by “inappropriately validat[ing] bias against
20 transgender individuals when we live in a pluralistic society that should be tolerant and accepting of all
21 individuals.” Professor Lee concludes claiming “education alone is insufficient to ensure that juries reject the
22 trans panic defense” and that legislative bans are necessary to redress the defense.

23 For other scholarship arguing the detriment of the LGBTQ+ “panic” defense, see the following publications:
24 “[\(Trans\)Forming the Provocation Defense](#)” by Morgan Tilleman, the Journal of Criminal Law & Criminology at
25 Northwestern University School of Law, 2010; “[The Trans Panic Defense: Masculinity, Heteronormativity, and
26 the Murder of Transgender Women](#)” by Cynthia Lee, Hastings Law Journal, 2014; “[‘Don’t Talk to Me About
27 Deception’: The Necessary Erosion of the Trans* Panic Defense](#)” by Ameer Wooda & Vanessa R. Panfil, Albany
28 Law Review, 2015; and “[Excusing Murder? Conservative Jurors’ Acceptance of the Gay-Panic Defense](#)” by
29 Salerno et. al., American Psychological Association Journal of Psychology, Public Policy, and Law, 2015.

30 Also according to the [LGBTQ Bar](#), the LGBTQ+ “panic” defense has been banned in: California, Illinois, Rhode
31 Island, Nevada, Connecticut, Maine, Hawaii, New York, New Jersey, Washington, Colorado, and the District of
32 Columbia. Legislation has also been introduced to ban the LGBTQ+ “panic” defense” in: Minnesota,
33 Pennsylvania, Texas, Massachusetts, New Mexico, Wisconsin, Iowa, and Virginia. In July of 2018, The Gay and
34 Trans Panic Defense Prohibition Act of 2018 was introduced by Senator Markey (D-MA) in the United States
35 Senate and by Congressman Kennedy (D-MA) in the United States House of Representatives. The bill was
36 reintroduced in the House and the Senate in June of 2019.

37 In light of this evidence, banning the use of a person’s gender identity or sexual orientation is necessary to ensure
38 both the safety of LGBTQ+ and other minority individuals, as well as to ensure that their murderers are properly
39 prosecuted and to uphold the standard that these are not socially acceptable justifications for taking the life of
40 another human being. As such, I write in support of this bill and ask for a favorable report of HB 231.

Sincerely,

A handwritten signature in black ink, appearing to read "Riley Grace Roshong".

Riley Grace Roshong