

115TH CONGRESS
2D SESSION

H. R. 6358

To amend title 18, United States Code, to prohibit gay and trans panic defenses.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2018

Mr. KENNEDY (for himself, Mr. LOWENTHAL, Ms. NORTON, Mr. GRIJALVA, Mr. HIGGINS of New York, Mr. CICILLINE, Mr. KHANNA, Mr. NADLER, Mr. PALLONE, Mr. MCGOVERN, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit gay and trans panic defenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gay and Trans Panic
5 Defense Prohibition Act of 2018”.

1 **SEC. 2. PROHIBITION ON GAY AND TRANS PANIC DE-**
2 **FENSES.**

3 (a) IN GENERAL.—Chapter 1 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 28. Prohibition on gay and trans panic defenses**

7 “(a) PROHIBITION.—No nonviolent sexual advance or
8 perception or belief, even if inaccurate, of the gender, gen-
9 der identity or expression, or sexual orientation of an indi-
10 vidual may be used to excuse or justify the conduct of an
11 individual or mitigate the severity of an offense.

12 “(b) PAST TRAUMA.—Notwithstanding the prohibi-
13 tion in subsection (c), a court may admit evidence, in ac-
14 cordance with the Federal Rules of Evidence, of prior
15 trauma to the defendant for the purpose of excusing or
16 justifying the conduct of the defendant or mitigating the
17 severity of an offense.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of sections for chapter 1 of title 18, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

“28. Prohibition on gay and trans panic defenses.”.

22 (c) REPORT.—The Attorney General shall submit to
23 Congress an annual report that details prosecutions in
24 Federal court involving capital and noncapital crimes com-
25 mitted against lesbian, gay, bisexual, or transgender indi-

- 1 individuals that were motivated by the victim's gender, gender
- 2 identity or expression, or sexual orientation.

