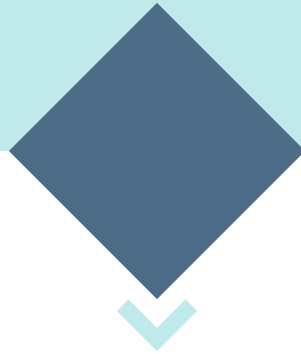


The background features a dark blue color with decorative geometric patterns in the corners. The top-left and bottom-right corners have a pattern of overlapping, downward-pointing chevrons in a light teal color. The top-right and bottom-left corners have a pattern of overlapping, upward-pointing chevrons in a medium blue color.

The LGBTQ+ Panic Defense

What it is, what it's used for, why and how to ban it.



Trigger Warning:
Mentions of hate crimes, death, and assault



» **Main Questions**

» **What is the LGBTQ+ Panic Defense?**

» **How is it used?**

» **Why should it be banned?**

» **How could it be banned?**

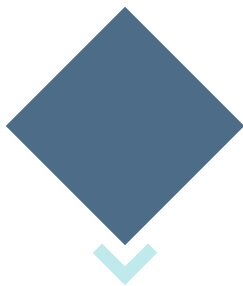
» What is the LGBTQ+ Panic Defense?

- Queer/gay/trans panic: What to call it
 - LGBTQ+ Panic Defense
- Edward Kempf (1920) original definition of ‘gay panic disorder’
- American Psychological Association history with the term
- The defense as used in court
 - Violent cases involving murder or assault

» How is it used?

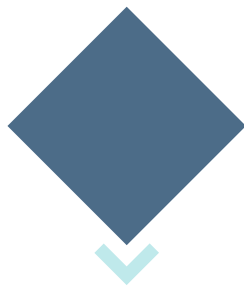
- Officially used to establish state of mind in a criminal defense
 - Semantics: burden of proof
 - The trackable side
- Most commonly, the defense is used by alluding to a victim's gender or sexual identity or 'outing' them to a jury
 - Danger of this use: public outing, no burden of proof
 - Trackability
- Recent example: State of Texas v. Miller (2018)

»» The Problem



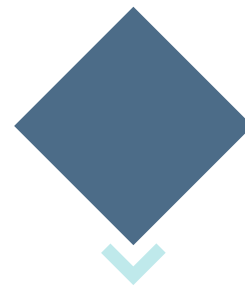
Victim Blaming

- Blames victims for their own death/injury
- Implies that “gays are, in some way, provocative by nature”



Outing

- Puts living victims at risk of repercussions outside of court
- No burden of proof = false accusations



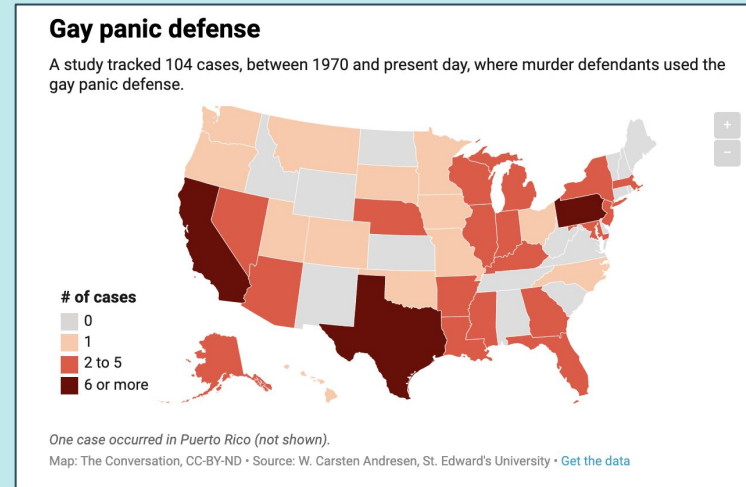
Wide Scope

- Aims to influence juries without material evidence



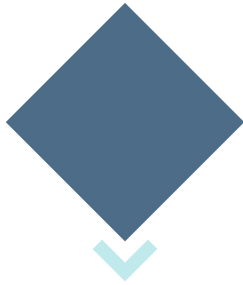
» Why should Oregon ban it?

- Alarming rate of effectiveness
 - 32% success
- Legitimizes dangerous stereotypes
 - LGBTQ+ people are predatory
 - Non violent romantic advances by LGBTQ+ people are appalling and justify violence
 - Perpetuates LGBTQ+ ‘otherness’
- Discrimination
 - This defense validates prejudice in institutions meant to uphold fairness
 - LGBTQ+ people represent only 3.5% of the US population but 17% of total hate crimes in the US



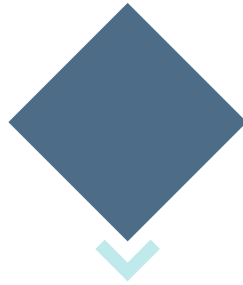
[GPD Tracker](#)

» Who has banned it?



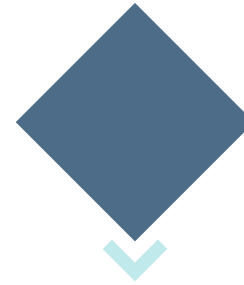
Colorado 2020

- [SB20-221](#)



Washington 2020

- [HB 1687](#)



California 2014

- [AB 2501](#)



» Benefits to banning the LGBTQ+ panic defense

- Costs nothing or very little
- Will bring LGBTQ+ community closer to equality in Oregon
- Ensures fair and non prejudicial trial (in terms of LGBTQ+ identity)
- Oregon leads by example
- Takes very little time/no need for follow up legislation
- (Arguably) non-controversial: it was passed unanimously in Colorado and received overwhelming bipartisan support

»» **The message banning LGBTQ+ defense would send**

- Unprovoked violence against queer people will not be tolerated in Oregon
- Stereotypes of queer people will not be perpetuated in the judicial process in Oregon
- Queer people are not predators
- Gay panic disorder does not exist and is not justification for violence.



Thanks!

**Please direct any
questions to Lane
Duckett at:**

Ducketl@oregonlegislature.gov

