



ROBERT A. WAGNER
SENATE MAJORITY LEADER

To: House Committee on Judiciary
From: Senator Rob Wagner
Date: Tuesday, May 4, 2021
Re: Support for SB 704

Chair Bynum, Vice Chairs Noble and Power, and members of the committee,

For the record, I'm Rob Wagner. I'm the State Senator for District 19, representing areas of the tri-counties - Lake Oswego, SW Portland, Tualatin, and West Linn.

I write today in strong support of Senate Bill 704.

The language in the bill is complex, legally speaking. But the impact of this bill is simple. It bans the use of the LGBTQ panic defense in Oregon courts. This issue was brought to my attention by Lane Duckett, one of my summer interns last year. I want to thank Lane and Basic Rights Oregon for all their energy and organizing on this bill.

The LGBTQ panic defense is a legal strategy that claims a victim's sexual orientation or gender identity is to blame for the defendant's violent reaction—even murder.

If this legislation is passed, Oregon would be the 12th state to ban the LGBTQ panic defense.

2020 was one of the deadliest years on record for transgender people, with 44 people dying as a result of violent acts against them.

In our neighboring state of Washington, many of you may have heard about the tragic case of Nikki Kuhnhausen, a 17-year-old Vancouver resident that was strangled to death in 2019 after her gender identity was discovered by an assailant. Before the trial, the Washington State legislature passed the Nikki Kuhnhausen Act into law, prohibiting defendants from arguing that the discovery of a victim's actual or perceived gender identity leads to diminished capacity.

This legislation makes a necessary legal change in Oregon. We cannot allow future criminal defendants that have violently reacted to another person's gender to claim that their behavior was justified.

I urge the committee's support of Senate Bill 704.

Sincerely,

