

SB 704: Prohibit justifications of violence against LGBTQ Oregonians

All Oregonians deserve to feel safe and protected in their communities. Unfortunately, for many LGBTQ individuals and families, this is not yet a reality. The Southern Poverty Law Center reports that Oregon ranked 11th in total hate crimes reported in the ten days following the 2016 presidential election. Since 2016, many LGBTQ individuals across Oregon have reported being physically attacked because of their sexual orientation or gender identity and it has caused a ripple effect of fear throughout the community.

In 2019, just across the river from Portland, a Vancouver teen, Nikki Kuhnhausen, was strangled to death after her killer made a sexual advance and discovered she was transgender. Because of the prevalence of this horrifying fact pattern, the American Bar Association and the national LGTBQ Bar are pushing state legislatures to pass legislation to explicitly ban the “LGBTQ panic defense” that is used to justify such violence.

What is an LGBTQ panic defense?

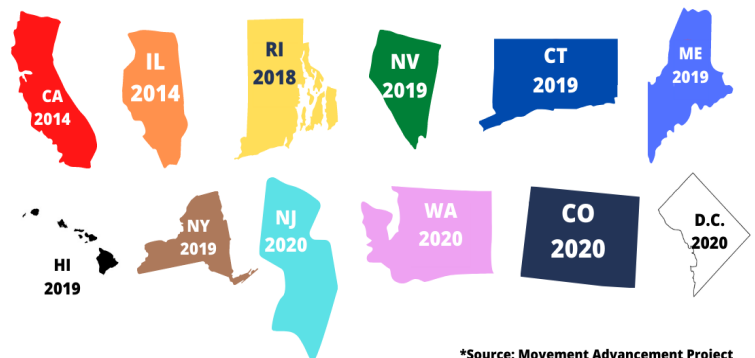
The LGBTQ Bar defines it as a “legal strategy employed by a perpetrator that asks a jury to find that a victim’s sexual orientation or gender identity/expression is to blame for a defendant’s violent reaction, including murder.

When a perpetrator uses an LGBTQ+ “panic” defense, they are claiming that a victim’s sexual orientation or gender identity not only explains—but excuses—a loss of self-control and the subsequent assault. By fully or partially acquitting the perpetrators of crimes against LGBTQ+ victims, this defense implies that LGBTQ+ lives are worth less than others.”

Fortunately in Washington, state lawmakers overwhelmingly rallied in bipartisan support to pass the “Nikki Kuhnhausen Act” to keep defendants from being able to use an LGBTQ panic defense. However, unlike Washington, California, and nine other states, Oregon’s laws do not expressly prohibit perpetrators from justifying violent acts based on someone’s sexual orientation or gender identity.

While there are fortunately few examples of LGBTQ panic defenses being used in Oregon, passing legislation will make it clear in statute - and across Oregon - that violent acts are not justified because of a person’s sexual orientation or gender identity. We can send a message that the lives of LGTBQ Oregonians matter just as much as others.

The LGBTQ Panic Defense Has Been Banned In*:



*Source: Movement Advancement Project