

HOUSE COMMITTEE ON CRIMINAL JURISPRUDENCE

Hearing Date: March 15, 2021 2:00 PM

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COMMENTS FOR: HB 73

David Chabarria

Self, Corporate Associate

Austin, TX

I believe the "Gay Panic Defense" is an intentionally-designed legal loophole that allows violence against the LGBTQ+ community. The LGBTQ+ community is diverse, yet we are all facing government-sanctioned violence against us while this law is in place. HB 73 will be a step towards liberating LGBTQ+ Texans from violence and harassment, and will ensure that those who stand against us will face legal repercussions as a result of the atrocities committed by them against us. Please vote to end violence against vulnerable Texans.

Rachel Weir

self

Austin, TX

Inflicting violence on someone because of their sexual orientation or gender identity is a hate crime. Period. One's own prejudice and ignorance should NEVER be a valid excuse harming anyone, much less a whole group of people who are already marginalized and discriminated against in our society. It is absolutely absurd, not to mention EXTREMELY homophobic and transphobic that a violent act committed on the basis of someone's sexual orientation or gender identity could be forgiven in the eyes of the law, no matter the circumstances. To blame the victim of violence, and at worst, a murder victim, for the harm caused them is absolutely despicable. Because of this, I support HB 73.

Samantha Vargas

Self

Garland, TX

I support this bill as a victim's actual or perceived gender (identity / expression) and / or sexual orientation is irrelevant in a criminal case and does not constitute "sudden heat of passion" defense.

Brianna Case

self - Client Solutions Manager

Austin, TX

I fully support HB 73. Coming from a small Republican town in South Carolina, I have personally held political beliefs across the aisles. To this day, I keep in touch with individuals across the political spectrum because I believe it is vital to staying in touch with the world around me. That being said, nearly everyone I speak to, Republican, Democrat, or otherwise, believes the discrimination against gay and trans people is wrong. They believe, as do I, that this is not about 'sides' - this is a fundamental problem across our nation and in Texas that spans across all political affiliations, races, religions, etc.

Having lived in Texas for four years now, I am so very proud to be a Texan. The pride in this state is truly unmatched, and there is a broader understanding that when you are here - you work hard and you can be you. To me, Texas has always been a state where

justice has so much opportunity. This belief in 'justice for all' in Texas is what made me truly upset that HB 73 has to even be considered.

Criminal behavior is criminal behavior - full stop. I cannot comprehend why the use of someone's gender identity or sexual orientation would ever be used against them in court in the trial of a criminal defense. If they have done wrong, they have done wrong. If the answer is vague, then the use of the way someone was born or their true gender identity is a lame cop-out in my opinion. If you must look at someone's background to find an excuse, it is cheap and wrong to assume that this would have anything to do with their criminal activity. Sure, there could be related factors such as a history of mental health, drug abuse, etc that may aid, but I think the use of someone's gender identity or sexual orientation is just plain wrong. Plus, it is typically not used in a fair and equitable way (i.e. you wouldn't use 'because this person's history of being a cis-gendered, straight white male' as an excuse for a crime they committed) and instead used to point to the 'criminal nature' of LGBTQIA+ individuals.

It's silly, wrong, and frankly needs to go. Texans deserve better regardless of their sexual orientation or gender identity. The lack of an equitable system is a harm to us all.

Caleb Woody

Self-Professional Services

Austin, TX

As a gay resident of Texas, I find it barbaric, cruel, and disturbing that something as banal as the gender of the person I love--can justify violence against myself or even my own murder. To think that the legislators of Texas think so little of their heterosexual citizens, that the mere mention of a queer person in their midst could trigger violent psychosis, rendering them unaccountable for their actions, is frightening. Even more so is the fact that Texas legislators have created a legal loophole that allows for unaccountable violence towards members of Texas' LGBTQ community, simply for daring to live as they are within Texas' borders. Despite what archaic, backwards, hateful Texas politicians may have you believe, this isn't the wild west anymore. Texans don't settle debates in the streets with a pistol, and you won't find any damsels tied to train tracks in downtown Austin--so why do we resist any attempt to modernize our laws, and create kind, welcoming, and safe communities? The 'Gay Panic Defense' is state-sponsored violence against queer citizens, simple as that. There is no shortage of data, studies, and reports outlining that Queer people as a whole and particularly trans-women of color are victims of an epidemic of violence. There does, however, seem to be a shortage of politicians who care. For each Texas legislator that wishes to retain this cowardly, disgusting, defense. Blood is on your hands, blood has been on your hands, and until Texas wakes up and decides to create a state that welcomes all, blood will BE on your hands for years to come.

Terry McCranie

Self

Carrollton, TX

As a member of the LGBTQ community one of the greatest fears that I have had growing up in Texas is the fact that someone could attack me, my friends, my partner and claim they did it because of "gay panic" and shift the blame of their violence to be on the victim. Victim blaming should not be how the criminal system works. Someone's gender identity and/or sexual orientation shouldn't allow for a defense to be made for why a defendant carried out their act of violence.

When I walk down the street I shouldn't have to hesitate from fear at holding my partner's hand. I shouldn't have to fear showing them affection. Something that heterosexual couples are able to do without hesitation everyday. Yet every time I fear that someone will observe and attack us, and be able to get a lesser charge or not be prosecuted at all because of being able to use "gay panic" as a viable defense within the Texas justice system.

I support HB 73, because it is time that we ensure that people are held accountable for their actions and not be allowed to use this as a defense in court. Hiding behind this and being able to execute hate crimes because of no reason other than the person was

LGBTQ.

Andrew Rose
Self (Project Manager)
Farmersville, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Kennon Wooten
Self - Lawyer
Austin, TX

I am a lawyer. I've been licensed to practice law in Texas since 2004. I support eliminating the legal defense known as gay/trans panic. This legal defense was debunked by the American Psychiatric Association in 1973 and should never have been part of our jurisprudence in the first place.

Mary Sawyer, Ms
Self
Dallas, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Alex Maldonado
self Technology Asset Manager
Garland, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Alyssa Greer
Self
Midlothian, TX

I support HB 73, it is a necessary and past due response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable;

learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

freyja pierson, mrs.

self

richardson, TX

"I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law."

Lee Daugherty

Self

Dallas, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Faith Fernandez

Self

Round Rock, TX

"I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law."

Jo Ivester

self - author

Austin, TX

My son is transgender. I am horrified by the thought that someone could hurt or even kill him and then take a legal position that they felt in danger because of my son's gender identity. Everyone may not understand what it means to be transgender, but I believe that everyone understands a mother's love for her son.

Georgia Keysor, Ms.

Self - Retired

Austin, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's

identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law. Thank you for your support with this critical issue.

Cyral Miller

Self

Austin, TX

I support HB 73, an important and needed response to a reprehensible legal defense. Gay and trans panic defenses have been used to allow perpetrators of LGBTQ murders to receive a lesser sentence. These defenses place the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law."

Karen Collins

Self retired

Austin, TX

I support HB 73 by Hinojosa because I have family and friends in the LGBTQIA+ community, as do all of us, and I'm sick of hearing another version of blaming the victim. It's long past time to ban gay/trans panic as a legal defense. In 1973 the American Psychiatric Association debunked this notion that someone's sexual orientation or gender expression can trigger panic violence. Murderers have avoided conviction or received lesser sentences using this disgusting legal defense.

Isabel Ray, Mrs.

self (communications staff)

Austin, TX

I support this bill because a person's gender identity or sexual orientation never justifies a crime against them. This bill will promote justice for all Texans, including our LGBTQIA+ communities. I ask that you please pass this bill. Thank you.

helen carvell

self

austin, TX

Let's stop legalizing bigotry. Sexual orientation and gender are predetermined, not chosen. Let it go macho man. We will all live longer and much happier. Remember Matthew Shepard! Leonardo da Vinci was gay and so were many others. Move into the 21st century (or even the 20th).

Marieke Lahey

self - engineer

Houston, TX

I am ashamed that Texas currently allows people to assault, even kill, gay or trans people just because someone might "panic" at their very existence. That outdated, disgusting law does not even veil discrimination against non-straight, non-cisgendered people. Human life matters. Fearing "the other" should never be a reason to physically attack another human being. HB 73 needs to be passed not only to get Texas into the 21st century, but to push us toward a state that stands up to our supposed value of being

"friendly". Friendly means accepting. Friendly means welcoming. Friendly does not mean attacking someone just because they don't meet an antiquated, exclusionary norm that has no basis in science, sociology, or anthropology. Murder is murder. Please pass HB 73 out of committee. Thank you.

Jane> Warsaw

SATX Indivisible

San Antonio, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Katharine Ligon, Vice President

Houston GLBT Political Caucus

Houston, TX

The Caucus is in support of HB 73.

The panic defense fails to ensure justice to victims of crimes, often horrific violent crimes. Instead of treating such crimes as hate crimes, the panic defense devalues a victim's life due their gender identity and/or sexual orientation.

Janet Dudding

Self

Bryan, TX

SUPPORT

Wendy McRoberts

Self

Danbury, TX

In 2021 there should be ZERO PANIC defense for those that harm LGBTQ PEOPLE, because they are LGBTQ. That is discriminatory. There is no other criminal defense that is based upon the VICTIM'S IDENTITY, unless you're specifying that the attack on a person BECAUSE OF their identity, would actually be more a kin to a hate crime with enhanced punishment by the perpetrator.

Skyler Korgel

Self, Manufacturing Engineer

Weatherford, TX

I support HB 73 as a LGBTQ Texan who wants a safer state for myself, my friends, and my community. Banning the use of a gay/transgender panic defense is an essential next step our state needs to take in order to ensure the safety and preserve the dignity of life & existence for Texans of all sexualities and gender identities by disallowing lesser sentences or acquittal for

perpetrators of bodily harm or death to LGBTQ people. This excuse is illogical, unacceptable, and against the interests of public safety. It's long past time to ban the gay and transgender panic defense in Texas courtrooms and ensure a "equal time for equal crime" approach for crimes of hate in our state by reporting this bill favorably and approving it's passage on the House floor.

Holly Bronson

Self

Houston, TX

This is wrong and too broad based of a law. Why should someone's assumption, especially if incorrect, be a defense for a crime.

Lisa Efthymiou

Self - workflow Strategist

Keller, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Adriana Serrano

Self

Houston, TX

I whole heartedly support this bill which effectively bans a "gay and trans panic" legal defense - until hate crimes are a thing of the past the lgbtq community must have protections to ensure equitable outcomes within criminal justice system

Anita Bracha

Self

College Station, TX

I strongly support HB 73 & HB 1402

dorothy Ann Compton

self

Austin, TX

This legal defense, which claims that a person's sexual orientation or gender expression can trigger violence against another person, was debunked by the American Psychiatric Association in 1973...1973 ! I

t's long past time for Texas to ban this discriminatory defense in favor of fairness and justice.

Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Rachel Carneglia

self

Austin, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Arthur Simon

self, artist

Austin, TX

I support this bill because hate crimes cannot be minimized, nor can someone's sexual orientation or gender identity in any way excuse the use of violent behavior as a legal defense.

Heiko Stang

Self

Wimberley, TX

I SUPPORT HB 73. This bill would finally abolish a reprehensible legal defense. Gay and trans panic defenses allow killers to receive a reduced sentence, and sometimes even avoid being convicted. It places the blame for a homicide on the victim. That's an unacceptable defense. The gay/trans panic defense must be banned. Please vote YES on HB 73!

Chrys Grummert

self caretaker

Woodcreek, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Anil Prabhakar

self; engineer

Cedar Park, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Sabrina Martin, Mrs.

Self/retired

Dripping Springs, TX

This is a ridiculous basis for defense against violence committed on a gay/trans person! Clear the books of this defense! Gay/trans people are PEOPLE and don't induce panic any more than any other person walking the earth!
Protect gay/trans people and remove this made-up defense.

Barbara Mills, Ms.

self

Austin, TX

Hello, I'm submitting testimony in support of HB 73. Using the defense of gay or trans panic is reactive and holds no accountability from perpetrators of homophobic or transphobic transgressions. Such aggressions are still hate crimes even if unacknowledged. I agree with Rep. Hinojosa - it is time to ban gay/trans panic defense in Texas.
Please support HB 73
Thank you

Mary Pinkerton, Mrs.

Self/ pet sitter

Dripping Springs, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Andrew Martin

Self

Dripping Springs, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. Its despicable, outdated, and homophobic. It's time to ban the gay/trans panic defense and pass this bill into law.

Suzanne Mitchell

Texas Democrats

Austin, TX

Support. Hate Crimes cannot be minimized or in any way excuse the use of violent behavior

Carol E Edwards

self

Austin, TX

“I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim’s actual or perceived sexual orientation or gender identity. That’s unacceptable; learning another’s identities does not place one in danger. It’s time to ban the gay/trans panic defense and pass this bill into law.”

FOR MORE

sharon kremer

Indivisible Tx Lege

Denton, TX

I strongly support HB 73 because no person should be targeted due to their sexual orientation or sexual identity. The gay and trans panic defense forgives murders with lighter sentences or can even excuse the murderer completely.

My friends and the thousands of students I taught in Texas public schools should not be victimized twice: by a perpetrator of violence and then by the state of Texas.

Make HB 73 law.

Sarah Murphy, Voter

Self

Houston, TX

I support HB 73, a necessary response to a terrible, unjust legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim’s actual or perceived sexual orientation or gender identity. That’s unacceptable; learning another’s identities does not place one in danger. It’s time to ban the gay/trans panic defense and pass this bill into law.

If we as American's purport to care about equal judgement under the law, then even criminal offenses should be treated equally regardless of the victims. It is a terrible precedent to treat some lives as lesser than others and the law needs to reflect that obvious sentiment.

Joseph Von Edwins

Self

Houston, TX

I support HB73 because sexual orientation is no reason to basis to be afraid of someone, let alone something to harm them for.

Sandra Kelly

Self

Denton, TX

I am writing in support oh HB 73. LGBTQ rights are human rights and should be treated the same under the law. There should be no special defense of those who perpetrate crimes against individuals based on sexual orientation. We are all Gods' children and deserve to be treated with respect, dignity and most certainly equally. Thank you.

Warren Carsten Andresen

Self

Austin, TX

I'm writing to voice support for the passage of H.B. 73. During the years 2000-2020, there were 19 cases (13 from 2010-2020) in Texas, including:

2015: James Miller (age 66) stabbed Daniel Hill Spencer (age 32) four times, killing him in his own apartment in Austin. During the trial, Mr. Miller's defense attorney entered a gay panic defense, claiming Mr. Miller killed in self-defense in response to an attempted sexual assault, without any evidence. Mr. Miller, using the gay panic defense, eluded justice. His original charge of Manslaughter was reduced to Criminally Negligent Homicide and he received a six-month jail sentence and ten-year probation term.

2017: Justin Twyne (age 24) suffocated James Short (age 74) with a trash bag in his Austin home. Mr. Short, who was gay, had invited Mr. Twyne, who advertised himself as a sex worker, into his home for a romantic encounter. Mr. Twyne bound, tortured, killed, and robbed Mr. Short. The prosecution described Mr. Twyne cutting Mr. Short 26 times: "slow and methodical ... stabbed, cut, sliced, burned in different parts of the body ... with a lighter." While the District Attorney could have charged Mr. Twyne with Capital Murder, Mr. Twyne was charged with 1st degree murder. The defense attorney advanced a gay panic defense, claiming that Mr. Twyne had killed to protect himself after a sexual assault. Mr. Twyne was convicted, but only received a 40-year prison sentence (parole eligible in 20 years).

2017: Mark Daniel Lewis (age 20), on probation for failing to registers as a sex offender, pushed a trans woman, Kenne McFadden (age 26), into the River Walk Canal in San Antonio. After placing Ms. McFadden in peril, Mr. Lewis took no action to rescue her and she drowned. After his arrest, Mr. Lewis claimed he pushed her into the water because they were kissing and she grabbed his buttocks. Although charged with Manslaughter, the State District Judge refused to hear the case, allowing Mr. Lewis to walk free.

2005: Joshua Abbott (age 19) stabbed David Morrison (age 40) 38 times, killing him in Denton. His criminal defense attorney used a gay panic defense, arguing that Mr. Abbott murdered in response to an attempted rape. The jury acquitted Mr. Abbott. After his acquittal, Mr. Abbott returned to court to reclaim the knife that he used to commit the murder. Interviewed by the Dallas Morning News in 2007, Mr. Abbott said that Mr. Morrison did not try to sexually assault him and said killing a person was as easy as killing an animal.

In these cases, defense attorneys used gay and trans panic defenses to put their victims on trial. These defenses foment horrible stereotypes about the LGBTQ+ community and suggests that it is permissible to commit violence against people who are LGBTQ+. These defenses also allow violent offenders to escape justice for their crimes and emboldens new offenders to commit robberies and hate crimes.

Alexander Montalvo

self, consultant

Fort Worth, TX

I SUPPORT HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Robert Wilks

self

Boerne, TX

I am writing in support of HB 73. There is no such thing as a "panic defense" to justify violence against gay or trans people. People who attack gay or trans people should not escape punishment or get a lighter sentence because of this illegitimate defense.

Please pass this bill.

Jo Williams

self

Galveston, TX

I support HB 73, a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Mallory Hart

Self

Austin, TX

I want to thank the Committee of Criminal Jurisprudence for hearing this bill and allowing testimony, and for Representative Hinojosa for writing this important legislation. I support HB 73 that would put an end to the legal strategy that says a victim's sexual orientation or gender identity/expression is to blame for a defendant's violent reaction, including murder. It is troubling and appalling that there is a defense method that excuses violence against LGBTQ+ people. It is homophobic and transphobic. LGBTQ+ people are already disproportionately targeted for hate crime incidents. As an LGBTQ+ person, the possibility for this defense scares me - it sends a message that it is defensible to harm me. I deserve equal protection under the law, regardless of my identity. I do not want to live in fear and urge you to support HB 73.

Aimee Pass

Self - Media

Dallas, TX

I support HB 73. Using a victim's gender identity or sexual orientation as the basis for a defense in a criminal trial is reprehensible and should never have been allowed. People who perpetrate hate crimes deserve more time behind bars, not a lesser sentence.

Patrick Stoddard

Self

College Station, TX

This bill would limit the legal defense known as gay/trans panic. This legal defense, which claims that a person's sexual orientation or gender expression can trigger violence against another person, was debunked by the American Psychiatric Associates in 1973,

Kati Stoddard

Self; Professor

College Station, TX

This bill would limit the legal defense known as gay/trans panic. This legal defense, which claims that a person's sexual

orientation or gender expression can trigger violence against another person, was debunked by the American Psychiatric Association in 1973.

Roger Davis, MD

self, physician, faculty medical school educator, LGBTQ community member

San Marcos, TX

In 2018, James Miller received only 10 years probation for killing his neighbor, 32-year-old Daniel Spencer. The judge added the maximum six months jail time, required Miller to complete 100 hours of community service, and made Miller pay almost \$11,000 in restitution to Spencer's family. In 2015, Spencer invited Miller to his house for a night of music and drinking. According to Miller's attorney, Charlie Baird, the men had only met twice before and bonded over their love for music. Miller claimed that he rejected a kiss from Spencer, his attorney said, which allegedly provoked the younger and larger man to fly into a rage. Miller then alleged that Spencer lunged toward him and threatened him with a glass, prompting Miller to defend himself by stabbing Spencer with a knife, according to Baird. No witnesses were present when the crime was committed. The jury convicted Miller of criminally negligent homicide, a charge that carries a lighter punishment than murder or manslaughter. The sentencing triggered national fury as reports began to circulate that Miller used "gay panic" in his defense. Prosecutor Matthew Foye said the jury's decision showed that it rejected Miller's self-defense claim and made it clear that Daniel Spencer was the victim. Aaron McKinney and Russell Henderson claimed "gay panic" when they stood accused of beating 21-year-old Matthew Shepard to death in 1998. They alleged the college student made unwanted sexual advances toward them. The men were sentenced to two consecutive life sentences in prison. As a physician who cares about his fellow LGBTQ neighbors and friends, the LGBTQ panic defense MUST be outlawed. "Living while gay or lesbian or bisexual or trans or queer" IS NEVER a reason to allow a murderer to kill another human being simply for being different. The LGBTQ panic-defense is usually used in conjunction with claims of "self-defense." The LGBTQ panic defense is anti-LGBTQ and is anti-American.

I am about the same age that Matthew Shepard would be today, had he not been killed by 2 men who tried to use the LGBTQ panic-defense to avoid responsibility for robbing the world of Matthew Shepard.

Please give the LGBTQ community justice by outlawing the use of a victim's gender identity or sexual orientation as ANY basis for defense in the trial of a criminal offense. Matthew Shepard was not here to defend himself at the trial of his murderers. So, we must honor him and protect the most valuable in our society: the LGBTQ and their allies. I hope that includes every single person reading this statement.

Please take care of each other. Pass this bill for Texas.

Adri Perez

ACLU of Texas

El Paso, TX

I am Adri Perez, LGBTQ Policy and Advocacy Strategist for the ACLU of Texas, and I am submitting this testimony on behalf of the ACLU of Texas in support of House Bill 73.

House Bill 73 ensures that Texans who are victims of hate crimes will no longer be blamed for the violent attacks committed against them by banning the use of "gay" or "trans panic" defense strategy associated with the provocation or heat of passion defense.

Laws that jeopardize the safety of LGBTQ Texans undermine Texas' core values of justice and freedom for all. We cannot allow victims to be blamed for the violence committed against them, but that is exactly what the current law does. Current law allows those who commit violent acts against members of the LGBTQ community to get a special exception to decrease punishment simply because the individual killed is LGBTQ. LGBTQ people have historically faced disproportionately high rates of violence. In 2020, the FBI reported that hate crimes based on sexual orientation represented nearly 1 in 5 (16.7%) of all hate crimes. The report also showed an uptick in gender identity based hate crimes rising from 2.2% in 2018 to 2.7% in 2019. Additionally, because there is no mandatory reporting of hate crimes and a history of under-reporting among LGBTQ individuals, we know that these numbers represent an incomplete picture of the violence directed towards LGBTQ individuals.

The successful use of these defenses sends a message to LGBTQ Texans that their lives are not equally deserving of protection as

that of their peers and makes acceptable, and even promotes, the continuation of violence, even homicide. St. Edwards University Professor of Criminal Justice, Carsten Andresen has documented over 200 cases where murder defendants used the “gay panic” defense. Nearly 1/8th of those cases, where defense attorneys have used “gay” or “trans panic” defenses, were from the state of Texas. Some as recently as 2015 and 2017. As of today, 12 states (and the District of Columbia) have passed legislative bans on the use of gay/trans panic as a legal defense. These states include California, Illinois, Rhode Island, Nevada, Connecticut, Maine, Hawaii, New York, New Jersey, Washington, and Colorado.

The gay and trans panic defense exploits stigma against LGBTQ victims of homicide based in homophobia and transphobia, neither of which should be used to excuse murder. A legislative ban on these defenses is necessary to ensure jurors reject the argument that it is reasonable to respond to with violence upon the discovery of an individuals’ sexual orientation or gender identity.

I respectfully ask that the members of this committee recognize the humanity of LGBTQ Texans and ensure that these discriminatory defenses cannot be used in court to justify the murder of myself or any other one of the 930,000 Texans who identify as LGBTQ individuals in this state.

Thank you for your consideration,
Adri Perez

Frederick Sultan

National LGBTQ+ Bar Association

Austin, TX

I am the Secretary of the National LGBTQ+ Bar Association, a former chair of the LGBT Law Section of the State Bar of Texas, and was involved in the founding of the Austin LGBT Bar Association.

The National LGBTQ+ Bar Association is a national association of lawyers, judges and other legal professionals that promotes justice in and through the legal profession for the LGBTQ+ community. The National LGBTQ+ Bar Association urges every member of the Criminal Jurisprudence Committee to support House Bill 73, which prohibits the use of the LGBTQ “panic” defense. We thank Representative Gina Hinojosa for serving as the lead patron of this bill. This unjust defense harms the LGBTQ community and allows a legal loophole that results in repeated miscarriages of justice. It must not be allowed.

Unfortunately, the LGBTQ community (most notably, transgender individuals) continues to experience violence at rates significantly above the state and national averages, despite the pro-equality legislation and policies that have been enacted in recent years. Often, LGBTQ individuals are victims of violence simply because of who they are; they are victimized because of their sexual orientation or gender identity. To make matters worse, criminal defendants have successfully relied on the LGBTQ “panic” defense to mitigate or even eliminate their responsibility for such violence. This must end. In a legal system built on the idea of “justice,” those who inflict violence upon LGBTQ individuals should not be able to justify that violence by relying on the panic defense in its various forms.

No one should ever be excused from murder or other violent acts simply because their victim is lesbian, gay, bisexual, transgender or queer, and Texas should send an irrefutable message that it fully values the lives and dignity of all people, including those who are LGBTQ. The LGBTQ “panic” defense is purely victim blaming and is rooted in homophobia and transphobia. This legislation will hold violent offenders accountable for their hate crimes and send a message that hate and hate-based violence is not tolerated in Texas.

While we wish such legislation was not needed, it sadly is, and passage of this legislation will be a tremendous benefit to LGBTQ crime victims. We hope you will fully support this legislation to ensure justice for all.

Thank you.

Kevin Stewart

Texas Psychological Association

Austin, TX

The Texas Psychological Association supports this bill. Gender identity and sexual orientation should never be used as the basis for a defense in a criminal trial. We strongly encourage this committee to report this long-overdue piece of legislation favorably.

Brenda Lyons

Self - financial manager

Fort Worth, TX

I support fully HB 73 which a necessary response to a reprehensible legal defense. Gay and trans panic defenses allow perpetrators of LGBTQ murders to receive a lesser sentence, and in some cases, even avoid being convicted and punished, by placing the blame for a homicide on a victim's actual or perceived sexual orientation or gender identity. That's completely unacceptable; learning another's identities does not place one in danger. It's time to ban the gay/trans panic defense and pass this bill into law.

Kathryn Gonzales, MBA

Out Youth

Austin, TX

March 15, 2021

Texas House of Representatives
Criminal Jurisprudence Committee

Madam Chair and members of the committee:

I am here to testify in support of HB 73.

My name is Kathryn Gonzales, and I am the Operations & Programs Director at Out Youth, a 501(C)(3) nonprofit organization based in Austin, Texas. For 31 years, we have provided LGBTQIA+ youth and their families with life-changing and life-saving programs in an environment where they are loved, acknowledged, and accepted exactly as they are.

For 50 years, defendants have used "gay and trans panic" defenses to have their murder charges reduced to manslaughter or justifiable homicide. I believe we can all agree that murdering someone because of their identity cannot be justifiable in our state.

Prove that everything is bigger in Texas, especially our hearts and minds, by advancing HB 73 for consideration by the House. Doing so sends a clear message to LGBTQIA+ youth, young adults, adults, and their families that Texas will not tolerate hate of any kind.

And, as a transgender person, it would be personally significant to see HB 73 become law. It would help ensure justice for my Black transgender sisters who continue to be targeted, attacked, and murdered by those who hate them, and then misgendered, failed, and forgotten by our judicial system.

I will be submitting a copy of this testimony, along with additional documentation and references, to your respective offices.

KATHRYN GONZALES, MBA | She/Her/Hers

Operations & Programs Director

kathryn.gonzales@outyouth.org
512-910-5172

Craig Licciardi

Self / sales

Flint, TX

I cannot believe I'm even having to see a bill like this entertained in the legislature of our state. This bill is intended to criminalize people who consider gender dysphoria what it is: unnatural, immoral, and offensive. I am vehemently opposed to this bill, which seeks to normalize such debauchery. God must weep at how far we have fallen. His command to everyone everywhere is: REPENT and be born again.

This bill cites example after example of how someone cannot use the fact that they just found out someone is gay/trans/XYZ as a defense to being violent. It's already against the law to commit violence against another person (unless, of course, that person isn't born yet, then it's okay to violently rip her arms and legs and head from her torso, and it's perfectly legal). Again, how God's anger must be kindled when He sees people defending prenatal homicide, but they then turn around and hypocritically point a finger at someone for being disgusted by the "woman" or "man" they've been talking to, after they find out that they have been talking to a cross-dresser and have been deceived. For those whose consciences are seared, I cannot reasonably expect them to possess the capacity to understand the level of disgust most normal people would rightfully feel in such a situation. To reiterate, this bill isn't just trying to criminalize violence. That's already the law. This bill is intended to demonize people who won't bow to the degenerate demon of sexual licentiousness. Those who want to normalize perversion and debauchery should be ashamed. The first 3 chapters of the prophet Jeremiah speak to this mentality specifically. Rejecting the standards given by the One who gives you your every breath is unwise. I condemn the objurgation of traditional values by the tacit promotion of depravity in this bill, and I pray it will die in committee. Thank you for your time.
