
Referred to Committee on

Date:

Subject: Crimes and criminal procedure; criminal defenses; victim identity

Statement of purpose of bill as introduced: This bill proposes to prohibit a defendant in a criminal proceeding from using information about the victim’s actual or perceived gender identity to justify the criminal conduct of the defendant or mitigate the severity of the offense.

An act relating to limiting criminal defenses based on victim identity
It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

(a) In a prosecution for any criminal offense, evidence of the defendant’s discovery of, knowledge about, or the potential disclosure of the crime victim’s actual or perceived sexual orientation or gender identity shall not be used:

(1) as a defense to defendant’s criminal conduct;

(2) to establish a finding that defendant suffered from diminished capacity; or

(3) to justify defendant’s use of force against another.

(b) A nonviolent romantic or sexual advance by a crime victim or a defendant’s perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim shall not be used to mitigate the severity of an offense.

(c) On or before January 1, 2022 and annually thereafter, the Attorney General shall submit to the House and Senate Committees on Judiciary a report that details prosecutions in the Criminal Division of crimes committed that were motivated by the victim’s gender, gender identity or expression, or sexual orientation. The report shall include demographic information about the defendants and victims, including race, ethnicity, age, and gender.
Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.