

H.128

An act relating to limiting criminal defenses based on victim identity

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

In a prosecution or sentencing for any criminal offense, the following shall not be used as a defense to the defendant's criminal conduct, to establish a finding that the defendant suffered from diminished capacity, to justify the defendant's use of force against another, or to otherwise mitigate the severity of the offense:

(1) 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, including under circumstances in which the victim made a nonforcible, noncriminal romantic or sexual advance toward the defendant; or

(2) evidence of the defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.