

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 128
3 entitled “An act relating to limiting criminal defenses based on victim identity”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

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

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

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

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

16 (b) The following shall not be used to mitigate the severity of an offense:

17 (1) evidence of a nonviolent romantic or sexual advance by a crime
18 victim towards the defendant; or

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

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE