



**H.128- An act relating to limiting criminal defenses based on victim identity**  
**Jessica Barquist, Policy & Organizing Director**  
**Senate Judiciary Committee- March, 24, 2021**

Thank you for the invitation to testify today. For the record, my name is Jessica Barquist. I am the Policy and Organizing Director for the Vermont Network. The Vermont Network wholeheartedly supports H.128. We are proud to stand with our member organization, The Pride Center of VT, in support of this bill.

Domestic and sexual violence is often rooted in gender bias. Gender-based violence disproportionately impacts gender-oppressed people, including women and members of the LGBTQ+ community. This bill specifically addresses gender-based violence as it relates to LGBTQ+ individuals, who are more likely to experience hate crimes. While they make up just 5.6% of the U.S. population, in 2019, 18.8% of hate crimes targeted people for their sexual orientation or identity. Research shows that 1 out of 5 lesbian, gay, and bisexual people living in the United States will experience a hate crime in their lifetime, and more than 1 out of 4 transgender people will.<sup>i</sup>

The LGBTQ+ Panic Defense is rooted in homophobia and transphobia and asks a jury to find that an individual's identity or expression is to blame for a defendant's violent reaction. This defense attempts to legitimize and excuse violent behavior against LGBTQ+ individuals. This dehumanizing legal tactic has already been banned in 9 states and legislation to ban it has been introduced in 10 additional states this year.<sup>ii</sup>

This statutory change has been requested by the LGBTQ+ community here in Vermont as a measure that would make them more welcome and safe in this state. This is an opportunity for Vermont to live into its values and stand up for our LGBTQ+ friends, family and neighbors. We support the language of this bill as written and think that it is a necessary step for Vermont.

Thank you for considering this bill.

---

<sup>i</sup> <https://lgbtbar.org/programs/advocacy/gay-trans-panic-defense/>

<sup>ii</sup> <https://lgbtbar.org/programs/advocacy/gay-trans-panic-defense/gay-trans-panic-defense-legislation/>