

1 TO THE HONORABLE SENATE:

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 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in 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 In a prosecution or sentencing for any criminal offense, the following shall
10 not be used as a defense to defendant’s criminal conduct, to establish a finding
11 that defendant suffered from diminished capacity, to justify defendant’s use of
12 force against another, or to otherwise mitigate the severity of the offense:

13 (1) evidence of the defendant’s discovery of, knowledge about, or the
14 potential disclosure of the crime victim’s actual or perceived sexual orientation
15 or gender identity, including under circumstances in which the victim made a
16 nonforcible, non-criminal romantic or sexual advance toward the defendant; or

17 (2) evidence of defendant’s perception or belief, even if inaccurate, of
18 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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9 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE