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Criminal Justice: Gay/Trans Panic Defense Laws

No updates required since October 3, 2023

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Recommended citation:

Movement Advancement Project. “Equality Maps: Panic Defense Bans.”
www.mapresearch.org/equality-maps/panic_defense_bans. Accessed [Date of access].



Background

The so-called “gay and trans panic” defenses are legal strategies which, according to the [American Bar Association](#), “seek to partially or completely excuse crimes such as murder and assault on the grounds that the victim's sexual orientation or gender identity is to blame for the defendant's violent reaction.” Research by [The Williams Institute](#) shows that “no state recognizes gay and trans panic defenses as freestanding defenses under their respective penal codes,” but defendants have used panic defenses in conjunction with other defense strategies to attempt to reduce the severity of their charges or sentencing.

These defenses are based in irrational fears and prejudice toward LGBTQ people, and they imply that violence against LGBTQ people is acceptable or understandable under certain conditions. The American Bar Association issued a [unanimous resolution](#) in 2013 calling on "federal, tribal, state, local, and territorial governments" to prohibit the use of this defense, but many states still permit this practice today.

Equality Map & Additional Resources

- See our [Equality Map: Panic Defense Bans](#), which is updated and maintained in real time alongside this document.
- Christy Mallory, Brad Sears, and Luis Vasquez. April 2021. [Banning the Use of Gay and Trans Panic Defenses](#). UCLA: The Williams Institute.

Summary Table

| Category | States | Source | Year Enacted |
|---|-------------------------|---------------------------|--------------|
| States that ban the use of legal defenses claiming the victim's sexual orientation and/or gender identity contributed to the defendant's actions (so-called “gay/trans panic” defenses) <i>(17 states + D.C.)</i> | California | AB 2501 | 2014 |
| | Colorado | SB 20-221 | 2020 |
| | Connecticut | SB 58 | 2019 |
| | Delaware | HB 142 | 2023 |
| | District of Columbia | B 23-0409 | 2021 |
| | Hawai`i | HB 711 | 2019 |
| | Illinois | SB 1761 | 2017 |
| | Maine | LD 1632 | 2019 |
| | Maryland | HB 231 | 2021 |
| | Nevada | SB 97 | 2019 |
| | New Hampshire | HB 315 | 2023 |
| | New Jersey | A 1796 | 2020 |
| | New York | A 8375 | 2019 |
| | Oregon | SB 704 | 2021 |
| | Rhode Island | H 7066 | 2018 |
| | Vermont | H 128 | 2021 |
| | Virginia | HB 2132 | 2021 |
| Washington | HB 1687 | 2020 | |
| States that do not ban the use of so-called “gay/trans panic” defenses <i>(33 states + 5 territories)</i> | All others | | |



Chronology

2014

1. California – [AB2501](#) – September 27, 2014

2017

2. Illinois – [SB1761](#) – August 25, 2017

2018

3. Rhode Island – [H7066](#) – July 2, 2018

2019

4. Nevada – [SB97](#) – May 14, 2019
5. Connecticut – [SB58](#) – June 21, 2019
6. Maine – [LD1632](#) – June 21, 2019
7. Hawai'i – [HB711](#) – June 26, 2019
8. New York – [A8375](#) – June 30, 2019

2020

9. New Jersey – [A1796](#) – January 21, 2020
10. Washington – [HB1687](#) – March 5, 2020
11. Colorado – [SB20-221](#) – July 13, 2020

2021

12. District of Columbia – [B23-0409](#) – January 11, 2021
13. Virginia – [HB2132](#) – March 31, 2021
14. Vermont – [H128](#) – May 5, 2021
15. Oregon – [SB704](#) – May 21, 2021
16. Maryland – [HB231](#) – May 30, 2021 (without governor's signature)

2023

17. New Hampshire – [HB315](#) – August 8, 2023
18. Delaware – [SB142](#) – September 25, 2023



State-by-State Sources & More Detail

Alabama

- No law

Alaska

- No law

Arizona

- No law

Arkansas

- No law

California

- State law bans the use of “gay panic” and “trans panic” defenses
- See [AB 2501](#) (2014)

Colorado

- State law bans the use of “gay panic” and “trans panic” defenses
- See [SB 20-221](#) (2020)

Connecticut

- State law bans the use of “gay panic” and “trans panic” defenses
- See [SB 58](#) (2019)

Delaware

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB 142](#) (2023)

District of Columbia

- State law bans the use of “gay panic” and “trans panic” defenses
- See [B23-0409](#) (passed 2020, signed by mayor 2021)

Florida

- No law

Georgia

- No law

Hawai`i

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB 711](#) (2019)



Idaho

- No law

Illinois

- State law bans the use of “gay panic” and “trans panic” defenses
- See [SB 1761](#) (2017)

Indiana

- No law

Iowa

- No law

Kansas

- No law

Kentucky

- No law

Louisiana

- No law

Maine

- State law bans the use of “gay panic” and “trans panic” defenses
- See [LD 1632](#) (2019)

Maryland

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB 231/SB 46](#) (2021), enacted [without governor’s signature](#)

Massachusetts

- No law

Michigan

- No law

Minnesota

- No law

Mississippi

- No law



Missouri

- No law

Montana

- No law

Nebraska

- No law

Nevada

- State law bans the use of “gay panic” and “trans panic” defenses
- See [SB 97](#) (2019)

New Hampshire

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB315](#) (2023)

New Jersey

- State law bans the use of “gay panic” and “trans panic” defenses
- See [A 1796](#) (2020)

New Mexico

- No law

New York

- State law bans the use of “gay panic” and “trans panic” defenses
- See [A.8375](#) (2019)

North Carolina

- No law

North Dakota

- No law

Ohio

- No law

Oklahoma

- No law

Oregon

- State law bans the use of “gay panic” and “trans panic” defenses
- See [SB 704](#) (2021)



Pennsylvania

- No law

Rhode Island

- State law bans the use of “gay panic” and “trans panic” defenses
- See [H 7066](#) (2018)

South Carolina

- No law

South Dakota

- No law

Tennessee

- No law

Texas

- No law

Utah

- No law

Vermont

- State law bans the use of “gay panic” and “trans panic” defenses
- See [H 128](#) (2021)

Virginia

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB 2132](#) (2021)

Washington

- State law bans the use of “gay panic” and “trans panic” defenses
- See [HB 1687](#) (2020)

West Virginia

- No law

Wisconsin

- No law

Wyoming

- No law



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U.S. Territories

American Samoa

- No law

Commonwealth of the Northern Mariana Islands

- No law

Guam

- No law

Puerto Rico

- No law

U.S. Virgin Islands

- No law