Criminal Justice:
Gay/Trans Panic Defense Laws

No updates required since October 3, 2023

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Recommended citation:
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.


Summary Table

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

2014

2017

2018
3. Rhode Island – H7066 – July 2, 2018

2019

2020
10. Washington – HB1687 – March 5, 2020

2021
13. Virginia – HB2132 – March 31, 2021
15. Oregon – SB704 – May 21, 2021

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 HB 315 (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
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