

Colorado General Assembly
Senate State, Veterans, & Military Affairs Committee
200 E Colfax Ave
Denver, CO 80203

Dear Honorable Committee Members:

One Colorado is the state's leading advocacy organization for lesbian, gay, bisexual, transgender, and queer Coloradans and their families. Our work over the past 10 years advancing policy measures to help close the gap between legal and lived equality for LGBTQ Coloradans has largely been informed by the data we have collected and published in 4 separate reports throughout the last decade. And our engagement and support of SB20-221 Gay Panic or Transgender Panic Defense is directly related to the data we have gathered on the LGBTQ community's continued and increased experiences with hate crimes and hate speech across the state.

The gay and trans panic defense has been used to acquit dozens of murderers of their crimes. Even in instances where juries are instructed not to listen to gay and trans panic defenses, the implicit homophobic or transphobic bias of hearing the defense at all can still influence the jury's decision.

One of the most recognized cases that employed the gay and trans panic defense was that of Matthew Shepard. In 1998, Matthew Shepard, a 21-year-old college student, was beaten to death by two men in Wyoming. The men attempted to use the defense to excuse their actions. Despite widespread public protest, the defense is still being used today.

In addition, we are seeing increases in the numbers of violent crimes against the LGBTQ community, including murder. The murders of black transgender women is becoming a crisis in this country. Fatal violence disproportionately affects transgender women of color at the intersections of racism, sexism, and transphobia. At least 30 transgender victims were violently murdered in the United States in 2019. No one should ever be excused from murder because their victim is gay or transgender, and Colorado must send an indisputable message that we fully value the lives and dignity of all people, including black transgender women.

The defense has unfortunately been used in Colorado on numerous occasions. One notable case from the summer of 2008 where 18-year-old Angie Zapata from Greeley met 31-year-old Allen Andrade and they spent three days together, during which they had at least one sexual encounter. When Andrade discovered that Zapata was transgender, he viciously beat her with a fire extinguisher. Upon his arrest, Andrade said he thought he had "killed it." Andrade was found guilty of both first-degree murder and a hate crime and was sentenced to life in prison.

There have been other reports of the defense being used to reach acquittals in Colorado, as recently as 2019. Since the defendants were acquitted, the court records of those cases have been sealed and are not available to the public. As a state we have an obligation to do everything we can to ensure that all Coloradans, including LGBTQ Coloradans are equally protected under law and that victims of violent crimes can be assured that proper justice will be served on their behalf. We would like to ask the Committee for a favorable vote on SB 20-221.

Sincerely,

Michael Crews
Policy Director

Senate, State, Veterans, & Military Affairs Committee:

I am writing to you today concerning SB20-221. This issue is near and dear to my heart. I have attached pictures of two of the dearest LGBTQ+ people I know at the end of my testimony. My eldest child and one of my best friends. They are, however, not the only ones I know this bill will impact. You will be hearing from plenty from them I am sure. I just found out this morning that SB20-221 is being heard this year. I wish I could make it down today to testify myself, so please enter this into record and please read aloud in committee.

My eldest is non-binary; they go by the pronouns they, them and their. They were part of the Class of 2020. My eldest is chronologically an adult, but as most everyone will agree 18 is still very much a child. I lovingly call them Monkey-kin, another story I would gladly elaborate on, but now is not the time. Two years ago, they came to me and let me know their gender is not what I have been calling them for 16 years. I am still trying to get their pronouns correct. It is like rewiring the brain, but is harder to do when you are also battling a TBI like I am. Monkey-kin, does not deserve to live in fear that someone may take offense to who they are and use that as an excuse to legally do them harm. Lord knows they have already gone through enough.

My friend, I have spoken about to the House State, Veterans & Military Affairs committee already this year during the "Slate of Hate," Dana is a transgender woman. I am happy to report that she did come out to her parents, and there was a happy ending to her story, for the most part. She has been going through HRT treatments, since I last addressed legislators earlier this year, and I have never seen her happier. Her stutter is almost gone as well. Unfortunately, where she currently lives, hardly anyone is accepting of her. If the situation does not change, she may be looking for a new home. Her options will be limited to where she can be safe. Having a law on the books that says someone is on the right side of the fence to harm her just because of who she is, will not be one of them. Unfortunately, that is currently most of the nation, including CO. I still cannot fathom that it is still legal to cause harm because of hate.

The question ultimately is, is this who we are as a state? Do we allow harm to happen to innocent victims just for who they are? If they otherwise pose no other threat, is it justifiable? Our current laws say so, but your constituents are saying it is not. It is not like they have a disease and are deliberately attempting to spread and take out as many people as they can. Ignorance, causing fear, is no excuse to cause harm to someone, and we should make laws to reflect that. After all, the saying is, ignorance is no excuse not to follow the law. Shouldn't we also have laws to combat ignorance? Please help me, and the rest of CO say, "We see you, and see your value. Here is not a place where violence against you is going to happen, without repercussions." Please vote in favor of SB20-221. This is our time to lead the nation once again on civil rights. Let us be the example to follow.



Monkey-kin



Dana

Sincerely,

Autumn Brooks

720-412-2906