



Colorado General Assembly  
House Public Health Care & Human Services 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