



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

June 10, 2020

Dear Panelists,

The District Attorney's Office for the 20th Judicial District strongly supports Senate Bill 20-221, which has been referred to as the "Gay Trans Panic Defense" bill.

I testified in strong support of House Bill 20-1307, the earlier version of this bill. Since becoming District Attorney for the 20th Judicial District, I have worked closely with law enforcement, legislators, and community groups in the effort to eradicate hate speech and bias crimes in Colorado. This bill is an important step in the right direction, and it comes at an important time.

This bill would bring a much-needed improvement to the justice system and how it treats our LGBTQ+ community and victims. This bill would help to raise awareness and to send a strong message to our community about what type of conduct is appropriate. When it comes to raising awareness of the value we place on diversity and tolerance, this bill would be a substantial step.

Our laws reflect who we are as a people. Hate crime laws are designed to protect groups and, yet, we have a defense in place that protect defendants who cite a victim's sexual orientation as the reason for a violent crime. Bigotry is not an excuse for violence.

Hate crimes are up in Colorado. Colorado must continue to be a national leader in eradicating LGBTQ+ discrimination. From 2014 - 2018, 128 people in Colorado were victimized for their orientation or gender. This defense was debunked by the American Psychiatric Association in 1973. The time has come for the Colorado Legislature to retire this defense.

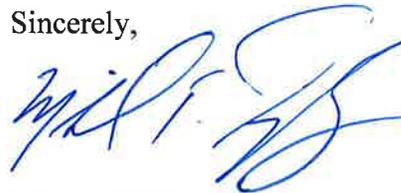
Employers cannot fire someone based on sexual orientation, a restaurant cannot refuse to serve someone based on sexual orientation, the police cannot arrest someone for their sexual orientation – there are laws that prohibit those bias acts. But someone can commit a crime of violence and claim sexual orientation or gay trans panic as the legal defense.

Whether termed as insanity, provocation or a claim of self-defense, all three of these are based on the sexual orientation, gender identity or gender expression as the cause of the violent crime. The gay and trans panic defense is a legal strategy that cites a victim's sexual orientation or gender identity as the causal factor for a defendant's violent reaction — including murder.

While members of other minority groups are also victims of hate crimes, there are few, if any, instances where a defendant claims that the revelation of someone's race, religion, or other minority identification *provoked* them to violence. In contrast, gay and trans "panic" defenses frequently draw on unique stigmas about LGBTQ people, sexuality, and gender to justify horrific violence against gay and trans individuals. The laws should reflect who we are as a people. We are a country built on diversity and tolerance. This defense of gay and trans is indefensible in the world we live in.

I would be happy to discuss this legislation further and may be reached by phone at 303-441-3798 or by email at mdougherty@bouldercounty.org. Thank you, in advance, for your time and consideration of this written testimony.

Sincerely,



Michael T. Dougherty
District Attorney
Twentieth Judicial District