Government of the District of Columbia
Advisory Neighborhood Commission 4B

DRAFT RESOLUTION #4B-20-0906
Urging the DC Council to Ban the Use of Gay Panic and Trans Panic Defense in Court Cases

Adopted June 22, 2020

Advisory Neighborhood Commission 4B (ANC 4B or the Commission) takes note of the following:

- Advisory Neighborhood Commission 4B has long been proud to be a part of an inclusive and welcoming community which welcomes neighbors regardless of their age, sex, race, gender, religion, sexual orientation, national origin, disability or any other protected identity or characteristic.
- The gay and trans "panic" defense is a legal strategy which asks a jury to find that a victim's sexual orientation or gender identity is to blame for the defendant's violent reaction, including murder.
- When the defense is employed, the perpetrator claims that their victim's sexual orientation or gender identity not only explains – but excuses – the perpetrator's criminal behavior and subsequent assault.
- By arguing to fully or partially acquit the perpetrators of crimes against LGBTQ victims because of victims' sexual orientation or gender identity, these defenses imply that LGBTQ lives are worth less than others.
- In June of 2019 New York became the sixth state to ban the gay and trans "panic" defense, as millions of revelers, celebrated WorldPride in Manhattan – joining California, Illinois, Rhode Island, Nevada, and Connecticut as states that currently have this law.
- The murders of Ashanti Carmon and Zoe Spears, two D.C. transgender women of color, within weeks of one another and other recent acts of violence against members of the LGBTQ community clearly underscore the need for this type of legislation.
- Transgender women have been among the most vulnerable to rising hate crime rates in the District. Multiple transgender women have been the victims of violent crime within the boundaries of the Commission or directly adjacent to the Commission.

- The legislation being supported here would require that upon the request of either the prosecutor or the defendant, the court would instruct the jury against letting bias, sympathy, prejudice, or public opinion influence its decision. It also would establish limits on defenses that seek to excuse violence on the basis of a victim's identity enabling prosecution of these acts of violence on an equal basis with other violent crimes.
- Advisory Neighborhood Commissions across the District of Columbia, including ANCs 2B, 2F and 1A, have been urging the Council for more than a year to act to ban the use of the "gay panic" or "trans panic" defense but the Council has failed to act.

RESOLVED:

That Advisory Neighborhood Commission 4B urges the DC Council to move with urgency to pass the Tony Hunter and Bella Evangelista Panic Defense Prohibition Act of 2019 or other comparable pending legislation banning the use of "gay panic" or "trans panic" defense in DC Courts.

FURTHER RESOLVED:

That the Commission designates Commissioner Evan Yeats, ANC 4B01, to represent the Commission in all matters relating to this resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioner cannot carry out his representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this resolution.

FURTHER RESOLVED:

Consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by a voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of eight of nine members was present) on September 28, 2020 by a vote of XX yes, XX no, XX abstain.