



General Assembly

January Session, 2019

**Committee Bill No. 58**

LCO No. 6389



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING GAY AND TRANSGENDER PANIC DEFENSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-13 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) In any prosecution for an offense, it shall be an affirmative  
4 defense that the defendant, at the time [he] the defendant committed  
5 the proscribed act or acts, lacked substantial capacity, as a result of  
6 mental disease or defect, either to appreciate the wrongfulness of his  
7 conduct or to control his conduct within the requirements of the law.

8 (b) (1) It shall not be a defense under this section if such mental  
9 disease or defect was proximately caused by the voluntary ingestion,  
10 inhalation or injection of intoxicating liquor or any drug or substance,  
11 or any combination thereof, unless such drug was prescribed for the  
12 defendant by a prescribing practitioner, as defined in subdivision (22)  
13 of section 20-571, and was used in accordance with the directions of  
14 such prescription.

15 (2) No defendant may claim as a defense under this section that

16 such mental disease or defect was based solely on the discovery of,  
17 knowledge about or potential disclosure of the victim's actual or  
18 perceived sex, sexual orientation or gender identity or expression,  
19 including under circumstances in which the victim made an unwanted  
20 nonforcible romantic or sexual advance toward the defendant, or if the  
21 defendant and victim dated or had a romantic relationship.

22 (c) As used in this section, (1) the terms mental disease or defect do  
23 not include [(1)] (A) an abnormality manifested only by repeated  
24 criminal or otherwise antisocial conduct, or [(2)] (B) pathological or  
25 compulsive gambling, and (2) "gender identity or expression" means  
26 gender identity or expression, as defined in section 53a-181i.

27 Sec. 2. Section 53a-16 of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2019*):

29 (a) In any prosecution for an offense, justification, as defined in  
30 sections 53a-17 to 53a-23, inclusive, shall be a defense.

31 (b) In any prosecution for an offense, justification as a defense shall  
32 not include provocation that resulted solely from the discovery of,  
33 knowledge about or potential disclosure of the victim's actual or  
34 perceived sex, sexual orientation or gender identity or expression,  
35 including under circumstances in which the victim made an unwanted  
36 nonforcible romantic or sexual advance toward the defendant, or if the  
37 defendant and victim dated or had a romantic relationship. As used in  
38 this subsection, "gender identity or expression" means gender identity  
39 or expression, as defined in section 53a-181i.

40 Sec. 3. Section 53a-18 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective October 1, 2019*):

42 (a) The use of physical force upon another person which would  
43 otherwise constitute an offense is justifiable and not criminal under  
44 any of the following circumstances:

45 (1) A parent, guardian or other person entrusted with the care and

46 supervision of a minor or an incompetent person, except a person  
47 entrusted with the care and supervision of a minor for school purposes  
48 as described in subdivision (6) of this section, may use reasonable  
49 physical force upon such minor or incompetent person when and to  
50 the extent that he or she reasonably believes such to be necessary to  
51 maintain discipline or to promote the welfare of such minor or  
52 incompetent person.

53 (2) An authorized official of a correctional institution or facility may,  
54 in order to maintain order and discipline, use such physical force as is  
55 reasonable and authorized by the rules and regulations of the  
56 Department of Correction.

57 (3) A person responsible for the maintenance of order in a common  
58 carrier of passengers, or a person acting under his or her direction,  
59 may use reasonable physical force when and to the extent that he or  
60 she reasonably believes such to be necessary to maintain order, but he  
61 or she may use deadly physical force only when he or she reasonably  
62 believes such to be necessary to prevent death or serious physical  
63 injury.

64 (4) A person acting under a reasonable belief that another person is  
65 about to commit suicide or to inflict serious physical injury upon  
66 himself or herself may use reasonable physical force upon such person  
67 to the extent that he or she reasonably believes such to be necessary to  
68 thwart such result.

69 (5) A duly licensed physician or psychologist, or a person acting  
70 under his or her direction, may use reasonable physical force for the  
71 purpose of administering a recognized form of treatment which he or  
72 she reasonably believes to be adapted to promoting the physical or  
73 mental health of the patient, provided the treatment (A) is  
74 administered with the consent of the patient or, if the patient is a  
75 minor or an incompetent person, with the consent of his or her parent,  
76 guardian or other person entrusted with his or her care and  
77 supervision, or (B) is administered in an emergency when the

78 physician or psychologist reasonably believes that no one competent to  
79 consent can be consulted and that a reasonable person, wishing to  
80 safeguard the welfare of the patient, would consent.

81 (6) A teacher or other person entrusted with the care and  
82 supervision of a minor for school purposes may use reasonable  
83 physical force upon such minor when and to the extent [he] such  
84 teacher or other person reasonably believes such force to be necessary  
85 to (A) protect himself or herself or others from immediate physical  
86 injury, (B) obtain possession of a dangerous instrument or controlled  
87 substance, as defined in subdivision (9) of section 21a-240, upon or  
88 within the control of such minor, (C) protect property from physical  
89 damage or (D) restrain such minor or remove such minor to another  
90 area, to maintain order.

91 (b) No person is justified in using force upon another person which  
92 would otherwise constitute an offense based solely on the discovery of,  
93 knowledge about or potential disclosure of the victim's actual or  
94 perceived sex, sexual orientation or gender identity or expression,  
95 including under circumstances in which the victim made an unwanted  
96 nonforcible romantic or sexual advance toward the defendant, or if the  
97 defendant and victim dated or had a romantic relationship.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53a-13
Sec. 2	<i>October 1, 2019</i>	53a-16
Sec. 3	<i>October 1, 2019</i>	53a-18

**Statement of Purpose:**

To prohibit the use of gay and transgender panic as a criminal defense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. LOONEY, 11th Dist.; REP. MICHEL, 146th Dist.

REP. CURREY, 11th Dist.; REP. ALLIE-BRENNAN, 2nd Dist.

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