



September 26, 2023

**Re: Human Rights Campaign Support of H.B. 4718**

Dear Chair Hope and Members of the Committee:

On behalf of its thousands of supporters in Michigan and three million members and supporters nationwide, the Human Rights Campaign thanks you for the opportunity to submit testimony to help inform your deliberation on H.B. 4718. We strongly support this legislation, and it is our hope that the committee will advance it.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender and queer (LGBTQ+) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ+ citizens and realize a nation that achieves fundamental fairness and equality for all. HRC believes that H.B. 4718 is an important measure that will ensure victims of violent crimes and their families obtain equal justice regardless of their sexual orientation or gender identity.

“Panic defenses” provide perpetrators with justification for committing violent acts towards the LGBTQ+ community. The use of a “panic defense” allows a criminal defendant to argue in court that their discovery of the victim’s sexual orientation or gender identity caused the defendant’s violent reaction.<sup>1</sup> Measures such as H.B. 4718 provide a firm stance that LGBTQ+ lives are not worth any less than others and that one’s sexual orientation or gender identity will not serve as a justifiable reason for acts of violence to be committed against them.

HRC has officially recorded over 300 violent deaths of transgender and gender non-conforming people since the organization began tracking this violence ten years ago.<sup>2</sup> Additionally, statistics from the FBI show that LGBTQ+ people are disproportionately targeted in acts of hate crime.<sup>3</sup> Despite hate crime legislations being enacted federally and throughout the U.S. courts are still seeing the use of panic defenses used in hundreds of defense arguments such

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<sup>1</sup> *An Epidemic of Violence*, Human Rights Campaign Foundation (2020), <https://reports.hrc.org/an-epidemic-of-violence-fatal-violence-against-transgender-and-gender-non-confirming-people-in-the-united-states-in-2020#epidemic-numbers>.

<sup>2</sup> Press Release, Human Rights Campaign Foundation Marks Ten Years of Tracking Violence Against Transgender and Gender Non-Conforming People, Recording 32 Fatalities in 2022 (Nov. 16, 2022), <https://www.hrc.org/press-releases/human-rights-campaign-foundation-marks-ten-years-of-tracking-violence-against-transgender-and-gender-non-confirming-people-recording-32-fatalities-in-2022>.

<sup>3</sup> *LGBTQ+ Panic Defense*, The National LGBTQ+ Bar Ass’n, [lgbtbar.org/programs/advocacy/gay-trans-panic-defense/](https://lgbtbar.org/programs/advocacy/gay-trans-panic-defense/) (last visited Jan. 26, 2023).

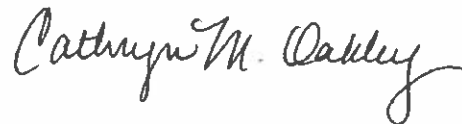
as the defense of insanity, diminished capacity, provocation, and self-defense.<sup>4</sup> Even in cases where perpetrators are not fully acquitted as a result of one of these LGBTQ+ “panic” defenses, we have seen the defense result in the lessening of punishments during sentencing and even result in hung juries.

In 2013, the American Bar Association (ABA) passed a resolution declaring that “an individual’s sexual orientation or gender identity does not trigger in another person a medical or psychological panic, does not constitute legally adequate provocation, and does not make a person more threatening.”<sup>5</sup> The ABA urged legislatures to prohibit the use of LGBTQ+ panic defenses in order to prevent discrimination against and protect LGBTQ+ individuals.

Eighteen states as well as Washington DC have passed legislation that bans most gay and transgender panic defenses. California was the first state to pass anti-panic defense legislation in 2014 and with New Hampshire and Delaware being the most recent in 2023—our hope is that with our support Michigan as well as the remaining 32 states will do the same.

The enactment of H.B. 4718 will send a clear, concise and firm message that Michigan will not support the notion that one’s sexual orientation or gender identity can serve as a justification or legal defense to criminal acts of violence. Thank you for the opportunity to submit testimony, and we request that you swiftly pass this legislation.

Sincerely,

A handwritten signature in black ink that reads "Cathryn M. Oakley". The signature is written in a cursive style with a large, looped "C" and "O".

Cathryn M. Oakley  
State Legislative Director and Senior Counsel  
Human Rights Campaign

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<sup>4</sup> W. Carsten Andresen, *Research Note: Comparing the Gay and Trans Panic Defenses*, 32 *Women & Crim. Just.* 219 (2022).

<sup>5</sup> Am. Bar Ass’n, Resolution 113A (2013).