

Governor Phil Murphy

# Governor Murphy Signs Legislation to Ban "Gay and Trans Panic" Legal Defense

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*New Jersey to Become 9th State to Issue Ban on Legal Defense Rooted in Homophobia*

**TRENTON** – Today, Governor Phil Murphy signed A1796 into law, which prohibits the use of “gay or trans panic” defenses for charges of criminal homicide. The signing of this bill builds on the Governor’s commitment to expand rights and protections for New Jersey’s LGBTQ+ community.

“We will always stand with our LGBTQ+ community and promote full equality for all our residents,” **said Governor Murphy**. “Gay and trans panic defenses are rooted in homophobia and abhorrent excuses that should never be used to justify violence against vulnerable populations. With this new law, we are enacting critical measures to protect our friends and neighbors in the LGBTQ+ community.”

Defendants have successfully argued that gay or trans panic constitutes heat of passion provocation in order to reduce charges of murder to manslaughter. Under this law, a defendant would be prohibited from using a victim’s actual or perceived gender identity or expression or affectional or sexual orientation as a heat of passion defense to murder in New Jersey courts.

Primary sponsors of this legislation include Assemblymembers John Mckeon and Joann Downey and Senators Joe Lagana and Vin Gopal.

“The ‘gay panic or trans panic’ defense is not a freestanding defense to criminal liability, but rather a legal tactic. It’s used to diminish the reason for a defendant’s violent reaction that asks a jury to find a victim’s sexual orientation or gender/expression as the cause,” **said Assemblyman John McKeon**. “Whether the person was gay, transgender or heterosexual, sexual orientation should not have any bearing on determining a person’s guilt in a murder trial. It is prejudiced against the LGBTQ community.”

“This new is a major step forward in addressing discrimination in our court system, and showing New Jersey’s LGBTQ community that we stand with them in solidarity against any type of discrimination and hatred,” **said Assemblywoman Joann Downey**. “The so-called ‘gay panic defense’ or ‘trans panic defense’ has never been more than a transparent attempt to allow the assault or murder of LGBTQ individuals to happen with impunity, and it is long past time that we ended this dark chapter in American legal history.”

“Gay and trans panic defenses, which reduce the punishment for horrible crimes, amount to legal malpractice and cannot be allowed to stand,” **said Senator Joe Lagana**. “Discrimination of any kind has no place in New Jersey, and we will to fight for all of our residents, especially during this period of increased discrimination, to ensure that our state is safe for everyone.”

“Members of the LGBTQ community deserve protection from bigotry and hate - and the so-called ‘gay panic’ or ‘trans panic’ defense has no place in our courts,” **said Senator Vin Gopal**. “Now, it’s time for New Jersey to step up and make sure that no LGBTQ person has to fear for their lives or their safety because of their



sexuality or gender identity."

"Make no mistake, the 'panic' defense is flat-out discriminatory legal malpractice, and no one should ever be excused from murder because their victim is gay or transgender," **said Christian Fuscarino, Executive Director for Garden State Equality**. "As hate crimes against LGBTQ New Jerseyans continue to rise and trans people are murdered across the nation, it's more imperative than ever that we ensure our criminal justice system protects LGBTQ people equally – full stop. Thank you to Governor Murphy for signing this ban into law and sending an unequivocal message that we fully value the lives and dignity of LGBTQ people in New Jersey."

"Hyacinth applauds Governor Murphy for taking action on this historic legislation to protect LGBTQ New Jerseyans," **said Kathy Aheran-O' Brien, Executive Director of Hyacinth AIDS Foundation**. "We need to ensure that homophobia and transphobia are never used as an excuse for hate, and with the discriminatory 'panic' defense off-the-books, New Jersey is moving another step closer to securing equality for all."

"Transgender women of color are victims to murder, violence, and harassment every day of our lives simply for living authentically as ourselves," **said La'Nae Grant, a trans community member from East Orange**. "We deserve to live with dignity and safety in our communities. Knowing that the 'panic' defense is banned in New Jersey is another victory and moment of empowerment for black trans women like myself, but there's still more work to do for our community."

## Governor Phil Murphy

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