

CRIMINAL DEFENSE PROHIBITION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek L. Kitchen

House Sponsor: _____

LONG TITLE

General Description:

This bill limits the use of a criminal defense based on a victim's sexual orientation or gender identity.

Highlighted Provisions:

This bill:

- ▶ prohibits an actor from using a victim's sexual orientation or gender identity:
 - to defend, excuse, or justify the actor's conduct in committing a criminal offense; or
 - to mitigate the severity of or sentence for an actor's criminal offense; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-2-310, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-2-310** is enacted to read:



28 **76-2-310. Limitation of defense based on victim's sexual orientation or gender**
29 **identity.**

30 (1) As used in this section:

31 (a) "Gender identity" means the actual or perceived gender-related identity, expression,
32 appearance, behavior, or other gender-related characteristic of an individual, regardless of the
33 individual's physiology or assigned sex at birth.

34 (b) "Sexual orientation" means an individual's actual or perceived heterosexuality,
35 homosexuality, or bisexuality.

36 (2) An actor may not use the actor's perception or misperception of a victim's sexual
37 orientation or gender identity, including the actor's perception or misperception of a nonviolent
38 romantic or sexual advance made by a victim toward the actor:

39 (a) to defend, excuse, or justify the actor's conduct in committing a criminal offense; or

40 (b) to mitigate the severity of or sentence for the actor's criminal offense.