

Senator Derek L. Kitchen proposes the following substitute bill:

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



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

27 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 same as that term is defined in Section [34A-5-102](#).

32 (b) "Sexual orientation" means the same as that term is defined in Section [34A-5-102](#).

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

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

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