

SB0193S01 compared with SB0193

~~deleted text~~ shows text that was in SB0193 but was deleted in SB0193S01.

inserted text shows text that was not in SB0193 but was inserted into SB0193S01.

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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

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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:

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

(1) As used in this section:

(a) "Gender identity" means the ~~factual or perceived gender-related identity, expression, appearance, behavior, or other gender-related characteristic of an individual, regardless of the individual's physiology or assigned sex at birth~~ same as that term is defined in Section 34A-5-102.

(b) "Sexual orientation" means ~~an individual's actual or perceived heterosexuality, homosexuality, or bisexuality~~ the same as that term is defined in Section 34A-5-102.

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

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

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