



Substitute Senate Bill No. 58

Public Act No. 19-27

AN ACT CONCERNING GAY AND TRANSGENDER PANIC DEFENSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) In any prosecution for an offense, it shall be an affirmative defense that the defendant, at the time [he] the defendant committed the proscribed act or acts, lacked substantial capacity, as a result of mental disease or defect, either to appreciate the wrongfulness of his conduct or to control his conduct within the requirements of the law.

(b) (1) It shall not be a defense under this section if such mental disease or defect was proximately caused by the voluntary ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or any combination thereof, unless such drug was prescribed for the defendant by a prescribing practitioner, as defined in subdivision (22) of section 20-571, and was used in accordance with the directions of such prescription.

(2) No defendant may claim as a defense under this section that such mental disease or defect was based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or

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perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship.

(c) As used in this section, (1) the terms mental disease or defect do not include [(1)] (A) an abnormality manifested only by repeated criminal or otherwise antisocial conduct, or [(2)] (B) pathological or compulsive gambling, and (2) "gender identity or expression" means gender identity or expression, as defined in section 53a-181i.

Sec. 2. Section 53a-16 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

In any prosecution for an offense, justification, as defined in sections 53a-17 to 53a-23, inclusive, shall be a defense. Justification as a defense does not include provocation that resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship. As used in this section, "gender identity or expression" means gender identity or expression, as defined in section 53a-181i.

Sec. 3. Section 53a-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, except a person

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entrusted with the care and supervision of a minor for school purposes as described in subdivision (6) of this section, may use reasonable physical force upon such minor or incompetent person when and to the extent that he or she reasonably believes such to be necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the Department of Correction.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his or her direction, may use reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to maintain order, but he or she may use deadly physical force only when he or she reasonably believes such to be necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself or herself may use reasonable physical force upon such person to the extent that he or she reasonably believes such to be necessary to thwart such result.

(5) A duly licensed physician or psychologist, or a person acting under his or her direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he or she reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his or her parent, guardian or other person entrusted with his or her care and

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supervision, or (B) is administered in an emergency when the physician or psychologist reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent [he] such teacher or other person reasonably believes such force to be necessary to (A) protect himself or herself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

(b) No person is justified in using force upon another person which would otherwise constitute an offense based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship.