

**HOUSE . . . . . No. 1470**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Natalie M. Blais*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting LGBTQ victims.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/17/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/17/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/17/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/24/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/24/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/25/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/16/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/23/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>3/25/2021</i>



**HOUSE . . . . . No. 1470**

By Ms. Blais of Sunderland, a petition (accompanied by bill, House, No. 1470) of Natalie M. Blais and others for legislation to protect persons victimized due to perceived sex, sexual orientation, gender, gender identity, gender expression, or sex assigned at birth. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act protecting LGBTQ victims.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 265 of the General Laws is hereby amended by adding the following section:-

2 Section 60. (a) In any prosecution for an offense under this chapter, a defendant is not  
3 justified in using force against another based on the discovery of, knowledge or belief about, or  
4 the potential disclosure of the victim’s actual or perceived sex, sexual orientation, gender, gender  
5 identity, gender expression, or sex assigned at birth, including, but not limited to, under  
6 circumstances in which the victim made a nonviolent romantic or sexual advance toward the  
7 defendant or in which the defendant and the victim dated or had a romantic or sexual  
8 relationship.

9 (b) In any prosecution for an offense under this chapter, for the purposes of determining  
10 sudden transport of passion, heat of blood, sudden combat or other similar, asserted mitigating  
11 factor, any alleged provocation of the defendant by the victim is not objectively reasonable if it is  
12 based on the discovery of, knowledge or belief about, or the potential disclosure of the victim’s

13 actual or perceived sex, sexual orientation, gender, gender identity, gender expression, or sex  
14 assigned at birth, including, but not limited to, under circumstances in which the victim made a  
15 nonviolent romantic or sexual advance toward the defendant or in which the defendant and the  
16 victim dated or had a romantic or sexual relationship.

17 (c) In any prosecution for an offense under this chapter, a defendant does not suffer from  
18 a mental impairment affecting or impacting the defendant's mental state relating to any questions  
19 of intent or knowledge based on the discovery of, knowledge or belief about, or the potential  
20 disclosure of the victim's actual or perceived sex, sexual orientation, gender, gender identity,  
21 gender expression, or sex assigned at birth, including, but not limited to, under circumstances in  
22 which the victim made a nonviolent romantic or sexual advance toward the defendant or in  
23 which the defendant and the victim dated or had a romantic or sexual relationship.

24 (d) In any prosecution for an offense under this chapter, if the defendant offers evidence  
25 of the defendant's discovery of the victim's actual or perceived sex, sexual orientation, gender,  
26 gender identity, gender expression or sex assigned at birth, the court shall instruct the jury to  
27 disregard biases or prejudices regarding a person's actual or perceived sex, sexual orientation,  
28 gender, gender identity, gender expression or sex assigned at birth in reaching a verdict.

29 (e) Notwithstanding the prohibitions in subsections (a) through (c), a court may admit  
30 evidence, in accordance with Massachusetts law, of prior trauma to the defendant for the purpose  
31 of excusing or justifying the conduct of the defendant or mitigating the severity of an offense.