

LIMITATION ON DEFENSES BASED ON VICTIM

IDENTITY

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate 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:

- ▶ defines terms;
- ▶ prohibits an actor from using a victim's sexual orientation or gender identity:
 - to defend, excuse, or justify an 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



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

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

30 **76-2-310. Limitation on defense based on victim's sexual orientation or gender**
31 **identity.**

32 (1) As used in this section:

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

36 (b) "Sexual orientation" means an individual's actual or perceived enduring pattern of
37 emotional, romantic, or sexual attraction to men, women, or both.

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

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

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

43 Section 2. **Effective date.**

44 This bill takes effect on May 1, 2024.