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California Takes a Stand Against Gay and Trans Panic Defenses in Criminal Cases

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California will likely become the first state in the U.S. to officially bar people in court from using

the "trans panic" or "gay panic" defense in court.

The California Assembly passed the bill Wednesday, 50-10, and it will head to Gov. Jerry Brown for his signature, the Associated Press reports. The State Senate approved the bill the previous day.

The panic defenses — in which a criminal defendant cites their motivation for manslaughter or murder as reacting to the fear of romantic advances by a transgender or gay person — are often used to receive a lower charge for murder or manslaughter, or to avoid conviction altogether. Last year the American Bar Association called on states to outlaw the so-called gay panic defense, and California is the first to pass such a law. According to the ABA, there is no scientific research to support the existence of the panic defense.

D'Arcy Kemnitz, executive director of the National LGBT Bar Association, told the ABA last year and wrote in an op-ed for *The Advocate* in July how crucial the laws were in every state across the country. She explained that these panic defenses are "surprisingly long-lived historical artifacts" that perpetuate "the notion that LGBT lives are worth less than other lives."

Assemblywoman Susan Bonilla, who introduced the legislation said it was "appalling" that defendants are able to use such a tactic in court.

"There is absolutely no justification for the use of 'panic defenses.' Clearly this tactic has been utilized by defendants, unjustly targeting members of the LGBT community, based on damaging stereotypes," Assemblywoman Susan A. Bonilla said in a statement Wednesday. "With AB 2501, we are moving forward to ensure equality in our courts and making it very clear that discrimination against the LGBT community is intolerable and unacceptable."

The bill was the 100th piece of legislation cosponsored by Equality California.

"This defense legitimizes prejudice and hate, and it should play absolutely no part in California's justice system," Rick Zbur, executive director-elect of Equality California. "This bill helps eliminate anti-LGBT bias as a 'reasonable' basis to ease the punishment for violent crimes against LGBT people."

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