

**Subject** Prohibiting defenses for the use of force based on a victim's sexual orientation

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## Overview

Certain defendants have argued that their actions in killing or assaulting another person should be treated as less culpable because they committed the assault based on their belief about the other person's sexuality and a claim that the person's sexuality caused them to fear for their safety. This has been termed the "gay panic" defense.

In Minnesota, the state supreme court addressed the issue in a 1980 decision, *State v. Morgan*. In that case, "[d]efendant argued he reasonably believed Mack was about to commit the offense of sodomy against him and that he was therefore justified in shooting Mack in resisting the offense." The court rejected that defense.

Minnesota law makes an assault motivated by the other person's sexuality a more serious offense under sections 609.2231 and 609.2233.

This bill establishes that using force against another based on a belief about the other person's sexuality does not constitute an authorized use of force.

## Summary

Section	Description
1	<b>When authorized.</b> Makes a conforming change.
2	<b>Use of force not authorized; reaction to victim's sexual orientation.</b> Prohibits the use of force against another based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived sexual orientation.

Section	Description
3	<b>Defenses; intoxication, reaction to victim’s sexual orientation.</b> States that it is not a defense to a crime that a defendant used force against another based on the discovery of, knowledge about, or potential disclosure of the victim’s actual or perceived sexual orientation.
4	<b>Manslaughter in the first degree.</b> States that the discovery of, knowledge about, or potential disclosure of the victim’s actual or perceived sexual orientation does not constitute provocation for purposes of charging a person with committing manslaughter.



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