

**Committee Name**

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Elimination of the Gay Panic Defense

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Position Statement:

The Iowa Youth Congress supports legislation to end the legal strategy known as the "gay panic defense".

Position:

The "gay panic defense" should be eliminated as a justifiable legal practice as it directly contradicts Iowa hate crime law (729A.2) which defines a hate crime as a violation of rights "when committed against a person or a person's property because of the person's... sex, sexual orientation".

Current Situation:

Currently in the state of Iowa, 3.6% of the adult population identifies as part of the LGBTQ+ community. In the United States, sexuality and gender-identity related hate crimes represent approximately 17% of all reported cases. These statistics show that a disproportionate number of LGBTQ+ people are targeted in hate crimes. Currently Iowa is one of 40 states that allows for the "gay panic defense". This is a legal strategy used when an assailant who has violently attacked or murdered an alleged member of the LGBTQ+ community claims temporary insanity as a result of unwanted sexual advances. While there is no government -published statistics supporting the success of this legal strategy, there have been multiple highly publicized cases that prove this defense strategy is still used.

Rationale:

The justification of the "gay panic" rationale is irrational and has been proven in many cases to be illegitimate in the eyes of the courts. It is not a justifiable law practice, as it works in opposition to Iowa hate crime law (729A.2) which defines a hate crime as a violation of rights "when committed against a person or a person's property because of the person's... sex, sexual orientation". The elimination of this practice would ensure that current practices within our legal system are uniform with the laws set in place by our elected officials.

Recommended Action:

The Iowa Youth Congress recommends that a Gay and Trans Panic Defense Prohibition Act be enacted. This would be a bill that would prohibit any defendant from claiming that a non-violent sexual advance from an individual assumed to be a part of the LGBTQ+ community be excused or justified because of their identity. This piece of legislation may act as its own bill, or as an amendment to Iowa bill 729A.2.



Sources:

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