



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4718 (Substitute S-1 as reported)  
Sponsor: Representative Laurie Pohutsky  
House Committee: Criminal Justice  
Senate Committee: Civil Rights, Judiciary, and Public Safety

**CONTENT**

The bill would amend Chapter VIII (Trials) of the Code of Criminal Procedure to specify that evidence of discovery of a victim's actual or perceived gender identity, gender expression, or sexual orientation could not be considered a justification in the commission of a crime. Additionally, an individual would not be justified in using force against another individual based on the discovery of, knowledge about, or potential disclosure of such information.

Specifically, evidence of a discovery described above could not be admissible for any of the following purposes:

- To demonstrate reasonable provocation.
- To show that an act was committed in a heat of passion.
- To support a defense of reduced mental capacity.

Proposed MCL 760.21d

**BRIEF RATIONALE**

Generally, "gay or transgender panic defense" is a legal strategy that relies on the notion that a criminal defendant should be excused or justified in his or her violent actions due to loss of control as a response to an unwanted sexual advance. The strategy has been used to reduce a charge based on the defenses that the bill would make inadmissible in these cases. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, the use of this defense implies that members of the lesbian, gay, bisexual, transgender, and queer/questioning community are lesser and that violence toward these individuals is acceptable. It has been suggested that the defense be prohibited.

Legislative Analyst: Eleni Lionas

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local courts.

Date Completed: 4-22-24

Fiscal Analyst: Michael Siracuse