

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the penal law, in relation to prohibiting a sexual orientation panic defense (Part);

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 PART ____

2 Section 1. Paragraph (a) of subdivision 1 of section 125.25 of the
3 penal law, as amended by chapter 791 of the laws of 1967, is amended to
4 read as follows:

5 (a) The defendant acted under the influence of extreme emotional
6 disturbance for which there was a reasonable explanation or excuse, the
7 reasonableness of which is to be determined from the viewpoint of a
8 person in the defendant's situation under the circumstances as the
9 defendant believed them to be. For purposes of determining whether the
10 defendant acted under the influence of extreme emotional disturbance,
11 the explanation or excuse for such extreme emotional disturbance is not
12 reasonable if it resulted from the discovery of, knowledge about, or
13 potential disclosure of the victim's actual or perceived gender, gender
14 identity, gender expression, or sexual orientation. Nothing in this
15 paragraph shall preclude the jury from considering all relevant facts to
16 determine the defendant's actual belief. Nothing contained in this para-
17 graph shall constitute a defense to a prosecution for, or preclude a
18 conviction of, manslaughter in the first degree or any other crime; or
19 § 2. This act shall take effect immediately.