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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 18, United States Code, to prohibit defenses based on sexual orientation or gender identity or expression.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PAPPAS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend title 18, United States Code, to prohibit defenses based on sexual orientation or gender identity or expression.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “LGBTQ+ Panic De-  
5       fense Prohibition Act of 2025”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the American Bar Association has urged the  
9       Federal Government to take legislative action to cur-

1 tail the availability and effectiveness of the legal de-  
2 fenses that seek to partially or completely excuse  
3 crimes such as murder and assault on the grounds  
4 that the sexual orientation or gender identity of the  
5 victim is provocation enough for the violent reaction  
6 of the defendant;

7 (2) panic defenses based on sexual orientation  
8 or gender identity or expression, which continue to  
9 be raised in criminal proceedings in Federal courts  
10 across the United States, are surprisingly long-lived  
11 historical artifacts, remnants of a time when wide-  
12 spread public antipathy was the norm for lesbian,  
13 gay, bisexual, transgender, and queer (referred to in  
14 this Act as “LGBTQ”) individuals;

15 (3) panic defenses based on sexual orientation  
16 or gender identity or expression characterize sexual  
17 orientation and gender identity or expression as ob-  
18 jectively reasonable excuses for loss of self-control,  
19 and thereby illegitimately mitigate the responsibility  
20 of a perpetrator for harm done to LGBTQ individ-  
21 uals;

22 (4) panic defenses based on sexual orientation  
23 or gender identity or expression appeal to irrational  
24 fears and hatred of LGBTQ individuals, thereby un-  
25 dermining the legitimacy of Federal criminal pros-

1 executions and resulting in unjustifiable acquittals or  
2 sentencing reductions;

3 (5) the use of panic defenses based on sexual  
4 orientation or gender identity or expression is en-  
5 tirely incompatible with the express intent of Fed-  
6 eral law to provide increased protection to victims of  
7 bias-motivated crimes, including crimes committed  
8 against LGBTQ individuals;

9 (6) continued use of these anachronistic de-  
10 fenses reinforces and institutionalizes prejudice at  
11 the expense of norms of self-control, tolerance, and  
12 compassion, which the law should encourage, and  
13 marks an egregious lapse in the march of the United  
14 States toward a more just criminal justice system;  
15 and

16 (7) to end the antiquated notion that LGBTQ  
17 lives are worth less than others and to reflect mod-  
18 ern understanding of LGBTQ individuals as equal  
19 citizens under law, panic defenses based on sexual  
20 orientation or gender identity or expression must  
21 end.

1 **SEC. 3. PROHIBITION ON PANIC DEFENSES BASED ON SEX-**  
2 **UAL ORIENTATION OR GENDER IDENTITY OR**  
3 **EXPRESSION.**

4 (a) IN GENERAL.—Chapter 1 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 28. Prohibition on panic defenses based on sexual**  
8 **orientation or gender identity or expres-**  
9 **sion**

10 “(a) PROHIBITION.—No nonviolent sexual advance or  
11 perception or belief, even if inaccurate, of the gender, gen-  
12 der identity or expression, or sexual orientation of an indi-  
13 vidual may be used to excuse or justify the conduct of an  
14 individual or mitigate the severity of an offense.

15 “(b) PAST TRAUMA.—Notwithstanding the prohibi-  
16 tion in subsection (a), a court may admit evidence, in ac-  
17 cordance with the Federal Rules of Evidence, of prior  
18 trauma to the defendant for the purpose of excusing or  
19 justifying the conduct of the defendant or mitigating the  
20 severity of an offense.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22 The table of sections for chapter 1 of title 18, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing:

“28. Prohibition on panic defenses based on sexual orientation or gender iden-  
tity or expression.”.

1       (c) REPORT.—The Attorney General shall submit to  
2 Congress an annual report that details prosecutions in  
3 Federal court involving capital and noncapital crimes com-  
4 mitted against LGBTQ individuals that were motivated by  
5 the victim’s gender, gender identity or expression, or sex-  
6 ual orientation.