

**SB-2**

Submitted on: 2/7/2019 9:40:07 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Tonaki	Testifying for Public Defender	Oppose	Yes

Comments:



## Office of the Public Defender State of Hawai'i



### Testimony of the Office of the Public Defender, State of Hawai'i to the Senate Committee on Judiciary

February 12, 2019

S.B. No. 2: RELATING TO CRIMINAL DEFENSE

Chair Rhoads, Vice Chair Wakai and Members of the Committee:

The Office of the Public Defender opposes S.B. No. 2.

This measure would prohibit the accused from claiming discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance.

Our current manslaughter statute provides, in pertinent part, "The reasonableness of the explanation shall be determined from the viewpoint of a reasonable person in the circumstances as the defendant believed them to be.

The added language is simply not necessary for fair application of the defense. A defendant asserting the affirmative defense of EMED must present a reasonable explanation for the defendant to be under the influence of extreme mental or emotional disturbance. The trier-of-fact has always should determine the reasonableness of the accused's explanation from the viewpoint of a reasonable person in the circumstances as the accused believed them to be

Moreover, this measure would create a "preferred class" of individuals to the exclusion others who might equally be aggrieved as potential victims of manslaughter. The person who is targeted because of disclosure of his/her religion, ethnicity or unpopular political belief could continue to be the victim of extreme mental or emotional disturbance. The law already provides a

safeguard against the unwarranted or arbitrary claims of extreme mental or emotional disturbance. Juries (i.e., the trier-of-fact) have always been tasked to determine whether a defendant's conduct was reasonable or unreasonable. Thus, S.B. No. 2 is not necessary and would present questions of equal protection under the law.

Thank you for the opportunity to comment on this measure.



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 12, 2019  
Rm. 016, 9:00 a.m.

To: The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Members of the Senate Committee on Judiciary

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No.2

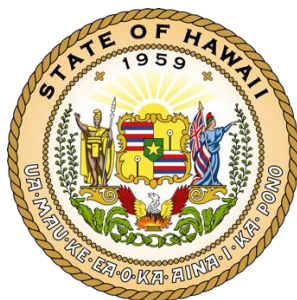
The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 2 prohibits defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance. The bill would require the court to instruct the jury to disregard bias and prejudice regarding gender, gender identity, gender expression, or sexual orientation when a defendant's explanation of extreme mental or emotional disturbance includes discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation.

The HCRC supports the intent of S.B. No. 2.

The legislature has recognized the invidious nature of hate motivated crimes, by enacting the state hate crime statute providing for enhanced sentencing where there is proof of bias motivation for a crime, targeting or selection of a victim because of race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation. S.B. No. 2 addresses the assertion of a “gay panic,” “trans panic,” “homosexual advance,” or “homosexual rage” defense, in which a defendant testifies that extreme mental or emotional disturbance sufficient to reduce a charge of murder to manslaughter resulted from discovery, knowledge, or disclosure of the victim’s gender, gender identity, gender expression, or sexual orientation.

The HCRC supports SB. No. 2. Just as no one should be targeted as a victim based on bias against their actual or perceived gender, gender identity, gender expression, or sexual orientation, nor should those biases be the basis for a mental state of mind reducing criminal responsibility for a killing.



Testimony on behalf of the  
**Hawai'i State Commission on the Status of Women**  
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on Judiciary/Ke Kōmike Ho'okolokolo

In Support of SB2

Pō'aluā, Pepeluali 12, 2019, 9:00 a.m. Lumi 'Aha Kūkā 016  
Tuesday, February 12, 2019, at 9:00 a.m. in Room 016

Dear Chair Rhoads, Vice Chair Wakai, and Honorable Members,

The Hawai'i State Commission on the Status of Women writes in support of SB2, which would ban so-called gay and trans "panic" defenses.

Hawai'i has the largest percentage of transgender individuals in the United States. According to the Hawai'i State Department of Health's 2018 Sexual and Gender Minority Health report, this community faces widespread discrimination and challenges in Hawai'i. HB711 would send a strong message that LGBTQ lives are as valuable as others. A victim should never be blamed for a defendant's violent action and hate. Accordingly, the Commission asks the Committee to pass SB2.

Sincerely,

Khara Jabola-Carolus

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca A. Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
The Thirtieth Legislature  
Regular Session of 2019  
State of Hawai'i**

February 12, 2019

**RE: S.B. 2: RELATING TO CRIMINAL DEFENSE.**

Chair Rhoads, Vice-Chair Wakai, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i is in strong support of this measure.

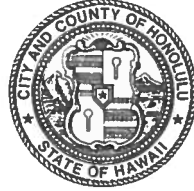
This bill will prohibit the use of a gay or trans-panic defense in the prosecution of murder cases. This "defense" refers to a legal strategy which asks a jury to determine that a victim's sexual orientation or gender identity expression is to blame for an aggressor's violent actions. It was used most prominently in the 1998 murder of 21-year old college student Matthew Shepard.

Panic defenses are uniquely used to justify crime against LGBTQ+ individuals and is based on exploiting homophobic bias in fact-finders. It sends the message that an LGBTQ+ individual's life is not worth protecting under the law. Similar bans of this defense have already been implemented in California, Illinois and Rhode Island. Our Office urges your committee to pass this Bill and further the effort to add Hawai'i's name to this list and stand in solidarity with our LGBTQ+ community.

Thank you for this opportunity to testify on this bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
JONATHON GREMS  
DEPUTY CHIEFS

OUR REFERENCE MK-KK

February 12, 2019

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 16  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2, Relating to Criminal Defense

I am Mikel Kunishima, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2, Relating to Criminal Defense.

Incidents that result in death are the most serious cases that law enforcement investigates. These death case investigations are time consuming and involve the expenditure of a tremendous amount of resources. In all death cases, the difference between the charges of murder or manslaughter is the state of mind of the perpetrator at the time the offense was committed. In many cases, this determination cannot be completely evaluated until the final conclusion of the investigation.

The HPD supports prohibiting the perpetrator from claiming that the discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance for which there is a reasonable explanation. Thus prohibiting the offense of murder and attempted murder to be reduced to manslaughter or attempted manslaughter.

Murder or assaulting anyone because of their sexual orientation or gender identity is not a criminal defense; it is a hate crime.




The Honorable Karl Rhoads, Chair  
and Members  
February 12, 2019  
Page 2

The HPD urges you to support Senate Bill No. 2, Relating Criminal Defense.

Thank you for the opportunity to testify.

Sincerely,

  
Mikel Kunishima, Captain  
Criminal Investigation Division

APPROVED:

  
Susan Ballard  
Chief of Police



February 6, 2019

Senate's Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, HI 96813

Hearing: Tuesday, February 12, 2019 – 9:00 a.m.

RE: **STRONG SUPPORT for House Bill 711** – RELATING TO CRIMINAL DEFENSE

Aloha Chair Rhoads, Vice Chair Wakai and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 2 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 2 prohibits defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance. Requires the court to instruct the jury to disregard bias and prejudice regarding gender, gender identity, gender expression, or sexual orientation when a defendant's explanation of extreme mental or emotional disturbance includes discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation.

The idea that someone could murder a member of the LGBTQIA community and claim their sexual orientation, gender identity and/or expression (SOGIE) was the reason that murdered them and then they get a lesser sentence is abhorrent.

These affirmative defenses are commonly known as "Gay Panic" and "Trans Panic" and are uniquely used to defend violent crimes against the LGBTQIA community. It needs to be noted that these types defenses are not allowed against any other minority. We have passed laws to protect that LGBTQIA community from discrimination but these defenses are still available makes no sense.

Currently California, Rhode Island and Illinois are the only states that bar these types of affirmative defenses, although Connecticut and New York have pending legislation.

The LGBT Caucus of the DPH asks that you support SB 2 as it will help to protect the LGBTQIA community.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair



AMERICANS FOR DEMOCRATIC ACTION

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OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Melodie Aduja	Ken Farm	Stephen O'Harrow	P.O. Box 23404
Alan Burdick, Vice President	Guy Archer	Chuck Huxel	Doug Pyle	Honolulu
Marsha Schweitzer, Treasurer	Juliet Begley	Jan Lubin		Hawai'i 96823
Dylan Armstrong, Secretary	Gloria Borland	Jenny Nomura		

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Feb. 7 , 2018

TO: Honorable Chair Rhoads & JDL Committee Members

RE: SB 2 Relating to Criminal Defense

Support for hearing on Feb. 12

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 192 as it would prohibit defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter . One' prejudice against gay people should not be an excuse to commit violence against them.

The case of Stephen Bright killing Kenneth Brewer here in Honolulu demonstrates the "gay panic" defense is a problem for us. Our legal code should not legitimate homophobia in any form.

Thank you for your favorable consideration.

Sincerely,

John Bickel President





Senate Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania St.  
Honolulu, HI 96813

February 11, 2019

**Re: SUPPORT for HI S.B. 2, Testimony from the Human Rights Campaign in support of the bill to ban gay and transgender panic as a criminal defense**

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Human Rights Campaign (HRC), on behalf of its nearly 22,000 members and supporters in Hawaii, thanks you for the opportunity to submit testimony on S.B. 2, a vital measure that will ensure victims of violent crimes and their families obtain equal justice regardless of their sexual orientation or gender identity. We urge you to swiftly pass this important legislation.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ citizens and realize a nation that achieves fundamental fairness and equality for all. As an advocate for LGBTQ individuals, HRC believes that a perpetrator's realization of a victim's actual or perceived sexual orientation or gender identity should never be available as a legal defense for violent crimes.

The so-called "gay and transgender panic defense" allows a criminal defendant to justify violent crimes on the purported grounds that the defendant's shock at discovering the victim's sexual orientation or gender identity caused the defendant's violent reaction. These panic defenses are typically used to bolster other defenses like provocation or diminished capacity and, if successful, lessens a defendant's charge or sentence. These panic defenses legitimize dangerous prejudices against LGBTQ individuals and characterizes their very existence as "reasonable grounds" for violence. In essence, the availability of these so-called "defenses" sends the harmful message that the lives of LGBTQ people are worth less than the lives of others.

While it might be tempting to dismiss these defenses as relics from a less tolerant era, they have been used to drastically reduce the sentences of violent perpetrators as recently as April 2018.<sup>1</sup> The continued use of these defenses is especially alarming in the face of a rise in hate-motivated

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<sup>1</sup> Julie Compton, *Alleged 'gay panic defense' in Texas murder trial stuns advocates*, NBC News (May 2, 2018), <https://www.nbcnews.com/feature/nbc-out/alleged-gay-panic-defense-texas-murder-trial-stuns-advocates-n8705711>.

crimes against LGBTQ individuals. The National Coalition of Anti-Violence Programs recently reported that hate-motivated homicides of LGBTQ individuals has steadily increased since 2012 and has increased 86% between 2016 and 2017.<sup>2</sup> According to the latest Federal Bureau of Investigation statistics, more than 17% of all hate crimes reported in 2017 were based on the victim's sexual orientation or gender identity.<sup>3</sup> Additionally, at least 128 transgender individuals have been killed since 2013 because of their gender identity.<sup>4</sup>

In 2013, the American Bar Association (ABA) passed a resolution declaring that “an individual’s sexual orientation or gender identity does not trigger in another person a medical or psychological panic, does not constitute legally adequate provocation, and does not make a person more threatening.”<sup>5</sup> The ABA urged legislatures to prohibit the use of gay and transgender panic defenses in order to prevent discrimination against and protect LGBTQ individuals.

In short, gay and transgender panic defenses send the destructive message that LGBTQ victims are less worthy of justice and their attackers justified in their violence. Their continued availability in Hawaii courts of law is a direct attack to the dignity and safety of LGBTQ residents.

Thank you for the opportunity to submit testimony in favor of this critical bill to protect LGBTQ victims of violence.

Sincerely,



Sarah Warbelow  
Legal Director  
Human Rights Campaign

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<sup>2</sup> Nat'l Coal. of Anti-Violence Programs, *A Crisis of Hate: A Report on Lesbian, Gay, Bisexual, Transgender and Queer Hate Violence Homicides in 2017* 6-7 (2018).

<sup>3</sup> Federal Bureau of Investigation, *2017 Hate Crime Statistics: Victims* (2018), *available at* <https://ucr.fbi.gov/hate-crime/2017/topic-pages/victims>.

<sup>4</sup> Human Rights Campaign Found., *A National Epidemic: Fatal Anti-Transgender Violence in America in 2018* 64 (2018).

<sup>5</sup> Am. Bar Ass'n, *Resolution 113A 14* (2013).



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

February 11, 2019

**The Honorable Karl Rhoads, Chair with Glenn Wakai, Vice-Chair  
and Members of the Senate Judiciary Committee**

**LATE**

**RE: SB 2 Relating to Criminals Defense: Ban Gay Panic**

**STRONG SUPPORT**

**Aloha Honorable Chairs, Vice to Chairs and Members,**

**Thank you for hearing SB2. Rainbow Family 808 strongly supports SB2 that bans the use of “Gay Panic” or “Transpanic” when facing criminal charges. “Gay Panic” or “Transpanic” is merely Homophobia to the Max.**

In 1997, in the beating death of Kenneth Brewer, a retired Hotel Executive, Gay Panic was the murderer's Criminal Defense. Society at that time was more than homophobic. At the first, the investigation took on a high profile. Unfortunately, as soon as it was discovered that Brewer and his murderer, Stephen Bright left Hula's, an internationally known Gay Bar, the investigation went south. When Bright was arrested, the TV coverage showed him in a white, Wife's Beater t-shirt and his muscles were bulging.

Within a year of the arrest, the press showed Bright in a white shirt and tie at the court hearing. Bright looked like he couldn't swat a fly much less beat to death anyone with his bare hands. This was a total abuse of the legal system. Bright was found guilty of Gay Panic and sentenced to a year's prison term. On the day of the decision, Bright had already served 360 days and thus only served 5 days and was released.

Please don't let this injustice ever happen again in Hawaii! Please pass SB2 ASAP. It would be a gesture of justice to name this measure the Kenneth Brewer Act.

Sincerely,

**Carolyn Martinez Golojuch  
President and Co-Founder  
Rainbow Family 808**

**SB-2**

Submitted on: 2/7/2019 4:38:40 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cody Moniz	Individual	Support	No

Comments:

It's 2019 I'm glad we are finally updating our laws to match the 21st century

**SB-2**

Submitted on: 2/7/2019 6:56:28 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB02. I can no longer allow the accused that opportunity to use "Gay Panic" or "Transpanic" when facing criminal charges. "Gay Panic" or "Transpanic" is merely Homophobia.

Although I am submitting my testimony as an individual, I am a board member of Rainbow Family 808 and a member of the LGBT Caucus, Democratic Party of Hawaii. These two organizations strongly support the passage of SB02.

Thank you for the opportunity to express my support for SB02.

Mike Golojuch, Sr.



**SB-2**

Submitted on: 2/7/2019 10:11:11 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Yuen	Individual	Support	No

Comments:

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai, and members of the Senate Committee on Judiciary:

I strongly support SB2/HB711 which prohibits defendants from claiming that a victim's gender, gender identity, gender expression, or sexual orientation is grounds to reduce a charge of murder to manslaughter.

Transgender people suffer considerable discrimination and unfair treatment from intolerant individuals in society. The fact that murderers can get a reduced charge from murder to manslaughter on the mere grounds that the person killed is transgender is a huge injustice. Transgender panic defense is outrageous and cannot be allowed to happen.

This bill puts an end to the injustice of transgender panic defense. Please allow transgender people to live in dignity and pass SB2/HB711 from the Senate Committee on Judiciary.

Mahalo,  
Nathan Yuen

**SB-2**

Submitted on: 2/7/2019 10:52:17 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacob Schafer	Individual	Support	No

Comments:

I strongly support SB2. Violence against LGBTQ+ (lesbian, gay bisexual, transgender, queer) people continues to be both disproportionately high and widely underreported as compared to the heterosexual cisgender population (i.e. straight people). Removing barriers for prosecuting these crimes is essential. SB2 will eliminate the “gay panic defense” for the crime of murder – a deeply homophobic and antiquated defense that has no place in the Aloha State. Please protect our LGBTQ+ residents and visitors by passing SB2.

**SB-2**

Submitted on: 2/8/2019 3:09:15 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Onderko	Individual	Support	No

Comments:

**SB-2**

Submitted on: 2/8/2019 4:51:01 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Kay	Individual	Support	No

Comments:

I am in **strong support** of SB2. The revelation of a persons sexual orientation or identity should *never* be upheld as a defense in a murder case.

**SB-2**

Submitted on: 2/9/2019 8:19:55 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamuela Werner	Individual	Support	No

Comments:

Aloha:

I strongly SUPPORT the passing of SB2.

Kamuela Werner

Native Hawaiian & Wai'anae Resident

**SB-2**

Submitted on: 2/9/2019 10:39:16 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

**SB-2**

Submitted on: 2/9/2019 10:41:02 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lance Wong	Individual	Support	No

Comments:

I would like to say that any of the listed defense should still be punished.

A even a child minded adult will learn from repercussions to an unacceptable behavior.

**SB-2**

Submitted on: 2/9/2019 5:00:49 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Canales	Individual	Support	No

Comments:

Strongly Support



**SB-2**

Submitted on: 2/9/2019 11:09:22 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jen Jenkins	Individual	Support	No

Comments:

**SB-2**

Submitted on: 2/9/2019 5:57:39 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Caron	Individual	Support	No

Comments:

**SB-2**

Submitted on: 2/10/2019 11:04:19 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andres Gonzalez	Individual	Support	No

Comments:

**SB-2**

Submitted on: 2/10/2019 7:58:38 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
deborah cohn	Individual	Support	No

Comments:

Aloha,

I strongly support SB2

Mahalo

Deborah Cohn

Tuesday, February 12, 2019  
9:00 am  
Conference Room 016  
State Capitol  
415 South Beretania Street

Re: SB2 Relating to Criminal Defense


Aloha Chair Karl Rhoads, Vice-Chair Glenn Wakai and honorable members:

I **SUPPORT** SB2. This bill will prohibit defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance. In addition, it requires the court to instruct the jury to disregard bias and prejudice regarding gender, gender identity, gender expression, or sexual orientation when a defendant's explanation of extreme mental or emotional disturbance includes discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation.

The use of aspects of someone's personhood as a defense strikes against the dignity and value of human beings. The matter of "gay-panic" and "trans-panic" was addressed by the American Bar Association through a promulgation of a resolution in 2013. Legislation banning such defenses were passed in California in 2014, Illinois in 2017, and Rhode Island in 2018. Legislation banning such defenses has been introduced in the District of Columbia in 2017, New Jersey in 2016 and in 2018, Minnesota in 2018, Pennsylvania in 2018, New York in 2014, 2015, 2017, and 2019, and Connecticut in 2019.

I believe Hawai'i can continue its leadership role in recognizing the dignity of all humans by passing SB2.

*Mahalo* for your time and consideration.

*Me ke aloha,*  
  
Makana Paris  
Papakōlea, O'ahu

**SB-2**

Submitted on: 2/10/2019 7:59:35 PM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen McKee	Individual	Support	No

Comments:

Aloha,

I write in Strong Support of Senate Bill 2.

Mahalo for your support on this important issue.

Eileen McKee

**LATE**

**SB-2**

Submitted on: 2/11/2019 10:29:36 AM

Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zahava Zaidoff	Individual	Support	No

Comments:

Aloha Chair, Co Chair, and members of the committee,

I stand in strong support of the bill which would remove gay panic/trans panic as a viable defense in criminal proceedings.

An individuals personal bias and prejudice should not be affirmed and used as an excuse for committing heinous crimes.

As a Jew who lost most of my family in the Holocaust, I can speak directly to the emotional and generational trauma caused by allowing people to act based on prejudice.

50 years from now, there will be an entirely new generation traumatized by the furtherance of this law. What will people tell their grandchildren? That back in the day being ignorant and hating those who were different than you was an allowable defense?

We have an opportunity to be in the right side of history and to say no to prejudice and bias. Individuals will still have their biases, but either everyone is equal in the eyes of the law or they aren't.

I implore you to move this bill forward.

Thank you for supporting equal rights for all people!

With respect,

Zahava Zaidoff

From: [KAKOU](#)  
To: [Sen. Karl Rhoads](#); [Sen. Glenn Wakai](#); [Sen. Mike Gabbard](#); [Sen. Kurt Feivella](#); [Sen. Donna Mercado Kim](#); [JDCTestimony](#)  
Subject: SB2  
Date: Sunday, February 10, 2019 8:52:48 AM

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<<https://linkedunion.com/apps/backoffice/img/kakou/bill/146210.jpg>>

Dear Chair Rhoads, Vice-Chair Wakai, and Members of the Judiciary Committee,

I strongly support SB2, which would ban the use of "Gay Panic" or "Transpanic" when facing criminal charges. "Gay Panic" or "Transpanic" is merely homophobia to the max.

From the 1950's there was an equally unjust defense known as "Crime of Passion" that was a Free Pass for a husband to kill his wife. It didn't go both ways. Only men were given the Free Pass. The wife had no such excuse and faced the full extent of the law.

Today's society expects a heterosexual to get off with their defense in an assault or murder of a LGBTIAQ person by saying that they were so upset that they were in a state of panic that they were driven to an assault or murder.

Gay Panic is homophobia to the max. Perpetrators need to face justice and be accountable for their criminal acts.

Please pass SB2 ASAP for justice for all

Mahalo  
Zoe Johnson  
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**LATE**

**SB-2**

Submitted on: 2/11/2019 8:48:02 PM  
Testimony for JDC on 2/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Aitken	Individual	Support	No

Comments:

I support SB2 prohibiting defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter. It is not ok to KILL simply because a murderer doesn't like who the victim is.

-tom aitken, PO Box 800, Kāneʻohe, HI 96744