

DE HB142 | 2023-2024 | 152nd General Assembly

Delaware House Bill 142 (*In Recess*)

Status

Completed Legislative Action

Spectrum: Moderate Partisan Bill (Democrat 29-6)
Status: Passed on September 21 2023 - 100% progression
Action: 2023-09-21 - Signed by Governor
Text: Latest bill text (Draft #3) [HTML]

Summary

This bill precludes the so-called LGBTQ+ "panic" defense that seeks to partially or completely excuse or justify a defendant from full accountability for the commission of a crime on the grounds that the actual or perceived sexual orientation, sex, gender, gender identity, or sex assigned at birth of the victim is sufficient to explain, excuse, or justify the defendant's conduct, or contributes to or causes the defendant's mental state, or that the defendant's reaction thereto constitutes a mental illness, mental defect, or mental disorder sufficient to excuse or justify the defendant's conduct (including under circumstances in which the victim made a nonviolent romantic or sexual advance toward the defendant or in which the defendant and the victim dated or had a romantic or sexual relationship). Sections 1 and 3 of this bill move the definitions for gender identity and sexual orientation currently in the hate crimes statute to the general definitions section of the Criminal Code to maintain standard definitions of these terms throughout the Criminal Code. Section 2 of this bill provides that in any prosecution or sentencing for an offense: (i) a defendant is not justified in using force against another based on the discovery of, knowledge or belief about, or the potential or actual disclosure of the victims actual or perceived sexual orientation, sex, gender, gender identity, or sex assigned at birth; (ii) for the purposes of determining whether there is a reasonable explanation or excuse for the existence of extreme emotional disturbance or other asserted mitigating factor or circumstance, such explanation or excuse is not reasonable if it is based on the discovery of, knowledge or belief about, or the potential or actual disclosure of the victims actual or perceived sexual orientation, sex, gender, gender identity, or sex assigned at birth; and (iii) a defendant does not suffer from a mental illness, mental defect, mental disorder, serious mental disorder, psychiatric disorder, or other impairment affecting or impacting the defendant's mental state relating to any questions of intent, knowledge, capacity to appreciate the wrongfulness of the defendant's conduct, disturbance of the defendant's thinking, feeling or behavior, culpability, willpower to choose whether to do or refrain from doing an act, or ability to distinguish right from wrong, based on the discovery of, knowledge or belief about, or the potential or actual disclosure of the victims actual or perceived sexual orientation, sex, gender, gender identity, or sex assigned at birth.

Title

An Act To Amend Title 11 Of The Delaware Code Relating To Crimes And Criminal Procedure

Sponsors

Rep. Eric Morrison [D]	Sen. Sarah McBride [D]	Sen. Bryan Townsend [D]	Sen. Elizabeth Lockman [D]
Sen. Marie Pinkney [D]	Rep. Valerie Longhurst [D]	Rep. Paul Baumbach [D]	Rep. Debra Heffernan [D]
Rep. Krista Griffith [D]	Rep. Kimberly Williams [D]	Rep. William Bush [D]	Sen. David Sokola [D]
Sen. Kyle Gay [D]	Sen. Laura Sturgeon [D]	Sen. Russ Huxtable [D]	Sen. Stephanie Hansen [D]
Sen. Kyra Hoffner [D]	Sen. Darius Brown [D]	Sen. Eric Buckson [R]	Sen. Gerald Hocker [R]
Sen. David Lawson [R]	Sen. Spiros Mantzavinos [D]	Sen. Charles Paradee [D]	Sen. Brian Pettyjohn [R]
Sen. Nicole Poore [D]	Sen. Jack Walsh [D]	Sen. David Wilson [R]	Rep. DeShanna Neal [D]
Rep. Kerri Harris [D]	Rep. Sean Lynn [D]	Rep. Larry Lambert [D]	Rep. Sophie Phillips [D]

Rep. Cyndie
Romer [D]

Rep. Kendra
Johnson [D]

Rep. Michael
Smith [R]

Roll Calls

2023-06-28 - *Senate* - Senate Third Reading (Y: 19 N: 0 NV: 0 Abs: 2) [PASS]

2023-06-15 - *House* - House Third Reading (Y: 27 N: 10 NV: 1 Abs: 3) [PASS]

History

Date	Chamber	Action
2023-09-21		Signed by Governor
2023-06-28		Passed By Senate. Votes: 19 YES 2 ABSENT
2023-06-21		Reported Out of Committee (Judiciary) in Senate with 4 Favorable
2023-06-15		Assigned to Judiciary Committee in Senate
2023-06-15		Passed By House. Votes: 27 YES 10 NO 1 NOT VOTING 3 ABSENT
2023-06-15		Amendment HA 2 to HS 2 - Defeated By House. Votes: 14 YES 25 NO 2 ABSENT
2023-06-07		was introduced and adopted in lieu of HB 142

Delaware State Sources

Type	Source
Summary	https://legis.delaware.gov/BillDetail?LegislationId=140531
Text	https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=130335&legislationTypeId=1&docTypeId=2&legislationName=HB142
Text	https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=140472&legislationTypeId=6&docTypeId=2&legislationName=HS1forHB142
Text	https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=140531&legislationTypeId=6&docTypeId=2&legislationName=HS2forHB142
Roll Call	https://legis.delaware.gov/json/RollCall/GetRollCallVoteByRollCallId#54688
Roll Call	https://legis.delaware.gov/json/RollCall/GetRollCallVoteByRollCallId#54943

Bill Comments

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