

1
2 Councilmember Jack Evans

3
4
5
6 Councilmember Robert White

Councilmember David Grosso

Brianne K. Nadeau
Councilmember Brianne K. Nadeau

Mary M. Cheh
Councilmember Mary M. Cheh

7
8
9
10
11
12
13
14
15 A BILL

16
17
18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

19
20
21
22 To amend Chapter 1 of Title 23 to curtail the availability and effectiveness of defenses that seek
23 to partially or completely excuse crimes such as murder and assault on the grounds that
24 the victim's sexual orientation, gender identity, or other inherent identity, is to blame for
25 the defendant's violent action and to require an anti-bias jury instruction in criminal trials
26 if requested by the prosecutor or the defendant.

27
28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
29 act may be cited as the "Secure A Fair & Equitable Trial Act of 2017".

30
31 Sec. 2. Chapter 1 of Title 23 of the District of Columbia Official Code is amended as
32 follows:

33 (a) The table of contents is amended by adding two new section designations to read as
34 follows:

35 "23-115. Limit on defenses that seek to excuse violence on the basis of a victim's
36 identity.

37 "23-116. Criminal trial anti-bias jury instruction."

38 (b) New sections 23-115 and 23-116 are added to read as follows:

39 “§ 23-115. Limit on defenses that seek to excuse violence on the basis of a victim’s
40 identity.

41 “(a) For any crime of violence, sufficient or adequate provocation for a defense premised
42 on “heat of passion” shall not exist if the defendant’s actions are related to the discovery of,
43 knowledge about, or the potential disclosure of:

44 “(1) One or more of the following characteristics or perceived characteristics of
45 the victim: disability, gender identity or expression, national origin, race, color, religion, sex, or
46 sexual orientation, regardless of whether the characteristic belongs to the victim or the defendant,
47 even if the defendant and victim dated or participated in sexual relations, or if the defendant or
48 victim romantically pursued the other; or

49 “(2) The victim’s association with a person or group with one or more of the
50 characteristics, or perceived characteristics identified in paragraph (1) of this subsection.

51 “(b) For the purposes of this section, the term:

52 “(1) “Crime of violence” shall have the same meaning as D.C. Official Code § 23-
53 1331.

54 “§ 23-116. (a) In any criminal trial or proceeding, upon the request of either the
55 prosecutor or the defendant, the court shall instruct the jury substantially as follows: “Do not let
56 bias, sympathy, prejudice, or public opinion influence your decision. “Bias” includes bias against
57 the victim or victims, witnesses, or defendant based upon his or her disability, sex, national
58 origin, race, color, religion, gender identity or expression, or sexual orientation.”.

59 Sec. 3. Fiscal impact statement.

60 The Council adopts the fiscal impact statement in the committee report as the fiscal

61 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
62 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

63 Sec. 4. Effective date.

64 This act shall take effect following approval by the Mayor (or in the event of veto by the
65 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
66 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
67 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
68 Columbia Register.

69