

SENATE BILL 213

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; PROHIBITING A DEFENSE BASED ON A DEFENDANT'S DISCOVERY OF, KNOWLEDGE ABOUT OR THE POTENTIAL DISCLOSURE OF A VICTIM'S OR WITNESS'S GENDER, GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION; PROHIBITING A DEFENSE BASED HCPAC → ~~ON THE EFFECT~~ ← HCPAC ON A DEFENDANT HCPAC → ~~OF~~ ← HCPAC BEING ROMANTICALLY PROPOSITIONED IN A NONVIOLENT OR NON-THREATENING MANNER BY A PERSON OF THE SAME GENDER OR A PERSON WHO IS TRANSGENDER.

.219002.1AIC March 17, 2021 (9:29am)

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Amendments: new = → bold, blue, highlight ←  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 30, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFENSE BASED ON VICTIM'S GENDER, GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION PROHIBITED.--

A. HCPAC→~~No evidence shall be admitted as~~←HCPAC  
HCPAC→It shall not be←HCPAC a defense HCPAC→, justification or  
excuse←HCPAC in a criminal proceeding HCPAC→regarding the  
effect on the defendant of←HCPAC HCPAC→that the defendant's  
conduct was a reaction to←HCPAC the discovery of, knowledge  
about or potential disclosure of a victim's or witness's actual  
or perceived:

- (1) gender;
- (2) gender expression;
- (3) gender identity; or
- (4) sexual orientation.

B. HCPAC→~~No evidence shall be admitted as a defense  
in a criminal proceeding regarding the effect on~~←HCPAC  
HCPAC→It shall not be a defense, justification or excuse in a  
criminal proceeding that←HCPAC the defendant HCPAC→of  
being←HCPAC HCPAC→was←HCPAC romantically propositioned in a  
nonviolent or non-threatening manner by a person of the same  
gender or a person who is transgender.

HCPAC→C. Nothing in this section shall prevent a  
defendant from raising any other recognized affirmative

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defense. ←HCPAC

HCPAC →G. ←HCPAC HCPAC →D. ←HCPAC As used in this

section:

(1) "gender expression" means the external appearance of a person's gender identity, often expressed through the person's behavior, physical appearance or voice, which expression may or may not conform to socially defined behaviors and characteristics typically associated with masculinity or femininity;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth; and

(3) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

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