

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 449

Short Title: Prohibit Defense Based on Sex or Gender. (Public)

Sponsors: Representatives Autry, Morey, Clemmons, and Alston (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 31, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT A DEFENSE TO HOMICIDE OR ASSAULT BASED ON THE
3 DISCOVERY OF, PERCEPTION OF, OR BELIEF ABOUT ANOTHER PERSON'S SEX,
4 GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 6 of Chapter 14 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 14-18.3. Prohibited defense.**

9 (a) Prohibition. – Notwithstanding any provision of law to the contrary, the discovery of,
10 perception of, or belief about another person's actual or perceived sex, gender, gender identity,
11 or sexual orientation, whether or not accurate, is not a defense to a prosecution under this Article
12 and is not provocation negating malice as an element of murder.

13 (b) Construction. – Nothing in this section shall be construed as precluding the admission
14 of evidence of a victim's or witness's conduct, behavior, or statements that is relevant and
15 otherwise admissible."

16 **SECTION 2.** Article 8 of Chapter 14 of the General Statutes is amended by adding
17 a new section to read:

18 "**§ 14-34.11. Prohibited defense.**

19 (a) Prohibition. – Notwithstanding any provision of law to the contrary, the discovery of,
20 perception of, or belief about another person's actual or perceived sex, gender, gender identity,
21 or sexual orientation, whether or not accurate, is not a defense to a prosecution under this Article.

22 (b) Construction. – Nothing in this section shall be construed as precluding the admission
23 of evidence of a victim's or witness's conduct, behavior, or statements that is relevant and
24 otherwise admissible."

25 **SECTION 3.** Prosecutions for offenses committed before the effective date of this
26 act are not abated or affected by this act, and the statutes that would be applicable but for this act
27 remain applicable to those prosecutions.

28 **SECTION 4.** This act becomes effective December 1, 2021, and applies to offenses
29 committed on or after that date.

