

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

S

1

SENATE BILL 409

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

Sponsors: Senators Nickel, Mayfield, and Murdock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 31, 2021

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

**"§ 14-18.3. Prohibited defense.**

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

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

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

**"§ 14-34.11. Prohibited defense.**

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

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

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

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

