

HOUSE BILL 488

E1, E2

0lr0603
CF 0lr0371

By: **Delegates Palakovich Carr, Moon, Acevero, Attar, Bartlett, Barve, Bridges, Cardin, Carr, Charkoudian, Cullison, D.M. Davis, Feldmark, Fraser-Hidalgo, Guyton, Kerr, R. Lewis, Lopez, Love, Mosby, Pena-Melnyk, Qi, Queen, Reznik, Shetty, Smith, Stewart, Terrasa, C. Watson, and Wilkins**
Introduced and read first time: January 24, 2020
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Mitigation – Sex, Gender Identity, or Sexual Orientation**

3 FOR the purpose of establishing that a certain discovery or perception of, or belief about,
4 another person's sex, gender identity, or sexual orientation does not constitute
5 certain provocation to mitigate a killing from the crime of murder to manslaughter;
6 establishing that a certain discovery or perception of, or belief about, another
7 person's sex, gender identity, or sexual orientation does not constitute certain
8 provocation to mitigate an assault from the crime of assault in the first degree to
9 assault in the second degree or another lesser crime; and generally relating to
10 homicide and assault.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 2–207 and 3–209
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 2–207.

20 (a) A person who commits manslaughter is guilty of a felony and on conviction is
21 subject to:

22 (1) imprisonment not exceeding 10 years; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



(2) imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding \$500 or both.

(b) The discovery of one's spouse engaged in sexual intercourse with another does not constitute legally adequate provocation for the purpose of mitigating a killing from the crime of murder to voluntary manslaughter even though the killing was provoked by that discovery.

(C) THE DISCOVERY OR PERCEPTION OF, OR BELIEF ABOUT, ANOTHER PERSON'S SEX, GENDER IDENTITY, OR SEXUAL ORIENTATION, WHETHER OR NOT ACCURATE, DOES NOT CONSTITUTE LEGALLY ADEQUATE PROVOCATION TO MITIGATE A KILLING FROM THE CRIME OF MURDER TO MANSLAUGHTER.

3-209.

(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A person charged with a crime under § 3-202, § 3-203, § 3-204, or § 3-205 of this subtitle may assert any judicially recognized defense.

(B) THE DISCOVERY OR PERCEPTION OF, OR BELIEF ABOUT, ANOTHER PERSON'S SEX, GENDER IDENTITY, OR SEXUAL ORIENTATION, WHETHER OR NOT ACCURATE, DOES NOT CONSTITUTE LEGALLY ADEQUATE PROVOCATION TO MITIGATE AN ASSAULT FROM THE CRIME OF ASSAULT IN THE FIRST DEGREE TO ASSAULT IN THE SECOND DEGREE OR ANOTHER LESSER CRIME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.