

HOUSE BILL 231

E1, E2
HB 488/20 – JUD

(PRE-FILED)

11r0323
CF SB 46

By: **Delegate Palakovich Carr**

Requested: August 4, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2021

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Mitigation and Defense – Race, Color, National Origin, Sex, Gender**
3 **Identity, or Sexual Orientation**

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

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 2–207 and 3–209
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2020 Supplement)

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

20 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



2–207.

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

(1) imprisonment not exceeding 10 years; or

(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 RACE, COLOR, NATIONAL ORIGIN, 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 RACE, COLOR, NATIONAL ORIGIN, 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~~ IS NOT A DEFENSE TO THE CRIME OF ASSAULT IN ANY DEGREE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.