

HOUSE BILL NO. 5590

December 01, 2021, Introduced by Reps. Pohutsky, Sneller, Ellison, Manoogian, Haadsma, Sowerby, Brixie, Neeley, Cherry, Rogers, Weiss, Cavanagh, Morse, Rabhi, Young, Breen and Kupa and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 21d to chapter VIII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VIII

1
2 **Sec. 21d. (1) For purposes of determining if a crime was**
3 **committed because of a sudden quarrel or in a heat of passion, the**
4 **discovery of, knowledge about, or potential disclosure of the**
5 **victim's actual or perceived gender, gender identity, gender**

1 expression, or sexual orientation, including under circumstances in
2 which the victim made an unwanted nonforcible romantic or sexual
3 advance toward the defendant, or if the person and victim had a
4 dating relationship or sexual relationship, is not objectively
5 reasonable provocation.

6 (2) A person does not suffer from reduced mental capacity and
7 shall not assert a defense under section 20a of this chapter based
8 on the discovery of, knowledge about, or potential disclosure of
9 the victim's actual or perceived gender, gender identity, gender
10 expression, or sexual orientation, including under circumstances in
11 which the victim made an unwanted nonforcible romantic or sexual
12 advance toward the defendant, or if the person and victim had a
13 dating relationship or sexual relationship.

14 (3) Notwithstanding the provisions of any other law of this
15 state, a person is not justified in using force against another
16 person based on the discovery of, knowledge about, or potential
17 disclosure of the victim's actual or perceived gender, gender
18 identity, gender expression, or sexual orientation, including under
19 circumstances in which the victim made an unwanted nonforcible
20 romantic or sexual advance toward the defendant, or if the person
21 and victim had a dating relationship or sexual relationship.

22 (4) As used in this section, "dating relationship" means
23 frequent, intimate associations primarily characterized by the
24 expectation of affectional involvement. This term does not include
25 a casual relationship or an ordinary fraternization between 2
26 individuals in a business or social context.