

# HOUSE BILL NO. 4718

June 08, 2023, Introduced by Reps. Pohutsky, Dievendorf, Morgan, Arbit, McFall, Hoskins, Brenda Carter, McKinney, Paiz, Haadsma, Byrnes, Wegela, Wilson, Glanville, Tyrone Carter, Weiss, MacDonell, Koleszar, Steckloff, Price, Morse, Martus, Brabec, Rheingans, Aiyash, Coffia, Fitzgerald, Hope and Hill and referred to the Committee on Criminal Justice.

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

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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.