

REFERENCE TITLE: *criminal responsibility; gender; sexual orientation*

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1513

Introduced by
Senators Bowie: Gonzales, Stahl Hamilton, Terán; Representatives
Dalessandro, Espinoza, Hernandez M, Jermaine

AN ACT

AMENDING TITLE 13, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-505; RELATING TO CRIMINAL RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 5, Arizona Revised Statutes, is
3 amended by adding section 13-505, to read:

4 13-505. Nondefense to criminal liability; gender identity,
5 sexual orientation or nonviolent sexual advances;
6 definitions

7 A. THE USE OF FORCE AGAINST ANOTHER IS NOT JUSTIFIED AND A PERSON
8 MAY NOT REASONABLY BELIEVE THAT THE USE OF FORCE IS IMMEDIATELY NECESSARY
9 IF THE USE OF FORCE OCCURS IN RESPONSE TO EITHER OF THE FOLLOWING:

10 1. THE PERSON'S DISCOVERY OR KNOWLEDGE OF, OR THE VICTIM'S
11 DISCLOSURE OR POTENTIAL DISCLOSURE OF, THE VICTIM'S GENDER IDENTITY OR
12 SEXUAL ORIENTATION.

13 2. A NONVIOLENT ROMANTIC OR SEXUAL ADVANCE MADE BY THE VICTIM
14 TOWARD THE PERSON.

15 B. A DEFENDANT MAY NOT RAISE THE ISSUE THAT THE DEFENDANT
16 DEMONSTRATED A LOWER DEGREE OF CULPABILITY THAN THAT CHARGED IF THE
17 DEFENDANT'S CLAIM OF A LOWER DEGREE OF CULPABILITY IS BASED ON EITHER OF
18 THE FOLLOWING:

19 1. THE DEFENDANT'S DISCOVERY OR KNOWLEDGE OF, OR THE VICTIM'S
20 DISCLOSURE OR POTENTIAL DISCLOSURE OF, THE VICTIM'S GENDER IDENTITY OR
21 SEXUAL ORIENTATION.

22 2. A NONVIOLENT ROMANTIC OR SEXUAL ADVANCE MADE BY THE VICTIM
23 TOWARD THE DEFENDANT.

24 C. WHEN DETERMINING WHETHER A DEFENDANT COMMITTED AN OFFENSE UNDER
25 THE IMMEDIATE INFLUENCE OF A SUDDEN QUARREL OR HEAT OF PASSION RESULTING
26 FROM AN ADEQUATE PROVOCATION, IT IS NOT AN ADEQUATE PROVOCATION THAT THE
27 OFFENSE RESULTED FROM EITHER OF THE FOLLOWING:

28 1. THE DEFENDANT'S DISCOVERY OR KNOWLEDGE OF, OR THE VICTIM'S
29 DISCLOSURE OR POTENTIAL DISCLOSURE OF, THE VICTIM'S GENDER IDENTITY OR
30 SEXUAL ORIENTATION.

31 2. A NONVIOLENT ROMANTIC OR SEXUAL ADVANCE MADE BY THE VICTIM
32 TOWARD THE DEFENDANT.

33 D. THIS SECTION APPLIES WHETHER OR NOT A DEFENDANT'S KNOWLEDGE,
34 DISCOVERY OR BELIEF REGARDING THE VICTIM'S GENDER IDENTITY OR SEXUAL
35 ORIENTATION WAS ACCURATE.

36 E. FOR THE PURPOSES OF THIS SECTION:

37 1. "GENDER IDENTITY" MEANS A PERSON'S ACTUAL OR PERCEIVED
38 GENDER-RELATED IDENTITY, EXPRESSION, APPEARANCE OR MANNERISMS OR OTHER
39 GENDER-RELATED CHARACTERISTICS, REGARDLESS OF THE PERSON'S DESIGNATED SEX
40 AT BIRTH.

41 2. "SEXUAL ORIENTATION" MEANS ACTUAL OR PERCEIVED HETEROSEXUALITY,
42 HOMOSEXUALITY OR BISEXUALITY.