

REFERENCE TITLE: adequate provocation; unavailability; transgender; gay

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2790

Introduced by
Representatives Contreras P: Austin, Contreras L, Crews, De Los Santos,
Gutierrez, Ortiz, Villegas

AN ACT

AMENDING TITLE 13, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-422; AMENDING SECTION 13-1101, ARIZONA REVISED STATUTES; RELATING TO JUSTIFICATION.

(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 4, Arizona Revised Statutes, is
3 amended by adding section 13-422, to read:

4 13-422. Justification; unavailability of gay and transgender
5 panic defense

6 A PERSON IS NOT JUSTIFIED IN THREATENING OR USING PHYSICAL FORCE OR
7 DEADLY PHYSICAL FORCE AGAINST ANOTHER IF IN DOING SO THE PERSON INJURES OR
8 KILLS ANOTHER PERSON BASED ON THE DISCOVERY OF, KNOWLEDGE ABOUT OR
9 POTENTIAL DISCLOSURE OF THE ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER
10 IDENTITY OR GENDER EXPRESSION OF THE OTHER PERSON, INCLUDING UNDER
11 CIRCUMSTANCES IN WHICH THE OTHER PERSON MADE AN UNWANTED, NONFORCIBLE
12 ROMANTIC OR SEXUAL ADVANCE TOWARDS THE PERSON OR IF THE PERSON AND THE
13 OTHER PERSON DATED OR WERE ENGAGED IN A ROMANTIC OR SEXUAL RELATIONSHIP.

14 Sec. 2. Section 13-1101, Arizona Revised Statutes, is amended to
15 read:

16 13-1101. Definitions

17 In this chapter, unless the context otherwise requires:

18 ~~4.~~ 1. "Adequate provocation":

19 (a) Means conduct or circumstances sufficient to deprive a
20 reasonable person of self-control.

21 (b) DOES NOT INCLUDE THE DISCOVERY OF, KNOWLEDGE ABOUT OR POTENTIAL
22 DISCLOSURE OF THE ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY
23 OR GENDER EXPRESSION OF THE VICTIM, INCLUDING UNDER CIRCUMSTANCES IN WHICH
24 THE VICTIM MADE AN UNWANTED, NONFORCIBLE ROMANTIC OR SEXUAL ADVANCE
25 TOWARDS THE DEFENDANT OR IF THE DEFENDANT AND VICTIM DATED OR WERE ENGAGED
26 IN A ROMANTIC OR SEXUAL RELATIONSHIP.

27 2. "GENDER IDENTITY" MEANS THE GENDER-RELATED IDENTITY, APPEARANCE,
28 MANNERISMS OR OTHER GENDER-RELATED CHARACTERISTICS OF A PERSON REGARDLESS
29 OF THE PERSON'S DESIGNATED SEX AT BIRTH.

30 ~~2.~~ 3. "Homicide" means first degree murder, second degree murder,
31 manslaughter or negligent homicide.

32 ~~3.~~ 4. "Person" means a human being.

33 ~~1.~~ 5. "Premeditation" means that the defendant acts with either
34 the intention or the knowledge that he will kill another human being, when
35 such intention or knowledge precedes the killing by any length of time to
36 permit reflection. Proof of actual reflection is not required, but an act
37 is not done with premeditation if it is the instant effect of a sudden
38 quarrel or heat of passion.

39 6. "SEXUAL ORIENTATION" MEANS HOMOSEXUALITY, HETEROSEXUALITY OR
40 BISEXUALITY.