

**HB 315 - VERSION ADOPTED BY BOTH BODIES**

22Mar2023... 0370h  
 29Jun2023... 2233CofC  
 29Jun2023... 2249EBA

## 2023 SESSION

23-0449  
 04/08

HOUSE BILL **315**

AN ACT prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

SPONSORS: Rep. Filiault, Ches. 7; Rep. Toll, Ches. 15; Rep. Kuttub, Rock. 17; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Criminal Justice and Public Safety

## AMENDED ANALYSIS

This bill prohibits provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
 Matter removed from current law appears ~~[in brackets and struck through]~~  
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

22Mar2023... 0370h  
 29Jun2023... 2233CofC  
 29Jun2023... 2249EBA 23-0449  
 04/08

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1 Homicide; Manslaughter. Amend the introductory paragraph in RSA 630:2, I to read as follows:
  - I. A person is guilty of manslaughter when ~~[he]~~ ***such person*** causes the death of another:
- 2 New Paragraph; Homicide; Manslaughter; Certain Provocation Not Objectively Reasonable. Amend RSA 630:2 by inserting after paragraph III the following new paragraph:
  - IV. Conduct by an actor that is not otherwise sufficient to constitute extreme provocation under RSA 630:2, I(a), is not sufficient to constitute extreme provocation because of the disclosure to the actor of, or the actor's discovery or knowledge about, the victim's actual or perceived sexual orientation, gender identification, or gender expression, including under circumstances in which the victim made a nonforcible romantic or sexual advance towards the defendant.
- 3 Effective Date. This act shall take effect January 1, 2024.