

HOUSE BILL 45

E1

2lr1043

(PRE-FILED)

By: **Delegate Cardin**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Mitigation and Defense – Religious Beliefs, Disability, or Homelessness**

3 FOR the purpose of establishing that a certain discovery or perception of, or belief about,
4 another person's religious beliefs, disability, or homelessness does not constitute
5 certain provocation to mitigate a killing from the crime of murder to manslaughter
6 and is not a defense to the crime of assault in any degree; and generally relating to
7 homicide and assault.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 2–207 and 3–209
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

Article – Criminal Law

16 2–207.

17 (a) A person who commits manslaughter is guilty of a felony and on conviction is
18 subject to:

19 (1) imprisonment not exceeding 10 years; or

20 (2) imprisonment in a local correctional facility not exceeding 2 years or a
21 fine not exceeding \$500 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The discovery of one's spouse engaged in sexual intercourse with another does
2 not constitute legally adequate provocation for the purpose of mitigating a killing from the
3 crime of murder to voluntary manslaughter even though the killing was provoked by that
4 discovery.

5 (c) The discovery or perception of, or belief about, another person's race, color,
6 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS,**
7 **DISABILITY, OR HOMELESSNESS,** whether or not accurate, does not constitute legally
8 adequate provocation to mitigate a killing from the crime of murder to manslaughter.

9 3-209.

10 (a) Subject to subsection (b) of this section, a person charged with a crime under
11 § 3-202, § 3-203, § 3-204, or § 3-205 of this subtitle may assert any judicially recognized
12 defense.

13 (b) The discovery or perception of, or belief about, another person's race, color,
14 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS,**
15 **DISABILITY, OR HOMELESSNESS,** whether or not accurate, is not a defense to the crime
16 of assault in any degree.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2022.