

2018 -- S 3014

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LC005958
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- TRIALS

Introduced By: Senators Nesselbush, and Calkin

Date Introduced: June 23, 2018

Referred To: Placed on Senate Calendar

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 12-17 of the General Laws entitled "Trial" is hereby amended by
2 adding thereto the following sections:

3 **12-17-17. Restrictions on the defense of provocation.**

4 For purposes of determining sudden quarrel or heat of passion, the provocation was not
5 objectively reasonable if it resulted solely from the discovery of, knowledge about, or potential
6 disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual
7 orientation, including under circumstances in which the victim made an unwanted non-forcible
8 romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a
9 romantic relationship.

10 **12-17-18. Restrictions on the defense of diminished capacity.**

11 A defendant does not suffer from reduced mental capacity based solely on the discovery
12 of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender
13 identity, gender expression, or sexual orientation, including under circumstances in which the
14 victim made an unwanted non-forcible romantic or sexual advance toward the defendant, or if the
15 defendant and victim dated or had a romantic or sexual relationship.

16 **12-17-19. Restrictions on the defense of self-defense.**

17 A person is not justified in using force against another based solely on the discovery of,
18 knowledge about, or potential disclosure of the victim's actual or perceived gender, gender
19 identity, gender expression, or sexual orientation, including under circumstances in which the

1 [victim made an unwanted non-forcible romantic or sexual advance toward the defendant, or if the](#)
2 [defendant and victim dated or had a romantic or sexual relationship.](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL PROCEDURE -- TRIALS

1 This act would restrict the use of a victim's gender or sexual orientation as a defense by
2 any defendant claiming provocation, diminished capacity or self-defense and would prohibit the
3 court from allowing such information into evidence.

4 This act would take effect upon passage.

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