

HB 315 - AS AMENDED BY THE HOUSE

22Mar2023... 0370h

2023 SESSION

23-0449

04/08

HOUSE BILL

315

AN ACT prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

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 provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

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

1 1 Homicide; Manslaughter. Amend the introductory paragraph in RSA 630:2, I to read as
2 follows:

3 I. A person is guilty of manslaughter when [~~he~~] ***such person*** causes the death of another:

4 2 New Paragraph; Homicide; Manslaughter; Certain Provocation Not Objectively Reasonable.
5 Amend RSA 630:2 by inserting after paragraph III the following new paragraph:

6 IV. For the purpose of determining if the defendant was under the influence of extreme
7 mental or emotional disturbance caused by extreme provocation pursuant to paragraph I, the
8 provocation was not objectively reasonable if it resulted from the defendant's hostility to the
9 decedent's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin, political
10 beliefs or affiliation, sex, or gender identity as defined in RSA 21:54.

11 3 Effective Date. This act shall take effect January 1, 2024.