

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3931

By: Deck

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments;  
8 prohibiting the use of certain defense in  
9 prosecutions or sentencings; amending 21 O.S. 2021,  
10 Section 711, which relates to the crime of first  
11 degree manslaughter; prohibiting the use of certain  
12 defense in first degree manslaughter cases; amending  
13 21 O.S. 2021, Section 731, which relates to excusable  
14 homicide; prohibiting the use of certain defense in  
15 excusable homicide cases; providing for codification;  
16 and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 161 of Title 21, unless there is  
20 created a duplication in numbering, reads as follows:

21 In a prosecution or sentencing for any criminal offense in this  
22 state, evidence of the defendant's discovery of, knowledge about, or  
23 potential disclosure of the actual or perceived sexual orientation  
24 or gender identity or expression of the victim including, without  
-- limitation, under circumstances in which the victim made an unwanted  
nonforcible romantic or sexual advance towards the defendant, or if

1 the defendant and victim dated or had a romantic or sexual  
2 relationship, shall not be used as a defense to the criminal conduct  
3 of the defendant, to establish a finding that the defendant suffered  
4 from diminished capacity, to justify the use of force by the  
5 defendant against another, or to otherwise mitigate the severity of  
6 the offense.

7 SECTION 2. AMENDATORY 21 O.S. 2021, Section 711, is  
8 amended to read as follows:

9 Section 711. A. Homicide is manslaughter in the first degree  
10 in the following cases:

11 1. When perpetrated without a design to effect death by a  
12 person while engaged in the commission of a misdemeanor.

13 2. When perpetrated without a design to effect death, and in a  
14 heat of passion, but in a cruel and unusual manner, or by means of a  
15 dangerous weapon; unless it is committed under such circumstances as  
16 constitute excusable or justifiable homicide.

17 3. When perpetrated unnecessarily either while resisting an  
18 attempt by the person killed to commit a crime, or after such  
19 attempt shall have failed.

20 B. For the purpose of determining the existence of an alleged  
21 heat of passion in a defendant, the alleged state of passion shall  
22 be deemed not to be objectively reasonable if it resulted from the  
23 discovery of, knowledge about, or potential disclosure of the actual  
24 or perceived sexual orientation or gender identity or expression of  
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1 the victim including, without limitation, under circumstances in  
2 which the victim made an unwanted nonforcible romantic or sexual  
3 advance towards the defendant, or if the defendant and victim dated  
4 or had a romantic or sexual relationship.

5 SECTION 3. AMENDATORY 21 O.S. 2021, Section 731, is  
6 amended to read as follows:

7 Section 731. A. Homicide is excusable in the following cases:

8 1. When committed by accident and misfortune in doing any  
9 lawful act, by lawful means, with usual and ordinary caution, and  
10 without any unlawful intent.

11 2. When committed by accident and misfortune in the heat of  
12 passion, upon any sudden and sufficient provocation, or upon a  
13 sudden combat provided that no undue advantage is taken, nor any  
14 dangerous weapon used, and that the killing is not done in a cruel  
15 or unusual manner.

16 B. For the purpose of determining the existence of an alleged  
17 state of passion in a defendant or the alleged provocation of a  
18 defendant by a victim, the alleged state of passion or provocation  
19 shall be deemed not to be objectively reasonable if it resulted from  
20 the discovery of, knowledge about, or potential disclosure of the  
21 actual or perceived sexual orientation or gender identity or  
22 expression of the victim, including, without limitation, under  
23 circumstances in which the victim made an unwanted nonforcible  
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1 romantic or sexual advance towards the defendant, or if the  
2 defendant and victim dated or had a romantic or sexual relationship.

3 SECTION 4. This act shall become effective November 1, 2024.  
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