

**Senate File 407 - Introduced**

SENATE FILE 407  
BY CELSI and WAHLS

**A BILL FOR**

1 An Act relating to restrictions on the criminal defenses of  
2 provocation, diminished capacity, and self-defense.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 704A.1 **Restriction on the defense**  
2 **of provocation.**

3 For purposes of determining sudden, violent, and  
4 irresistible passion resulting from serious provocation  
5 sufficient to excite such passion in a person, the provocation  
6 was not objectively reasonable if it resulted from the  
7 discovery of, knowledge about, or potential disclosure of  
8 another person's actual or perceived gender, gender identity,  
9 gender expression, or sexual orientation, including under  
10 circumstances in which the other person made an unwanted,  
11 nonforcible, romantic or sexual advance towards the person, or  
12 if the person and the other person dated or had a romantic or  
13 sexual relationship. This section shall not preclude a jury  
14 from considering all relevant facts to determine whether the  
15 person was in fact provoked for purposes of establishing a  
16 provocation defense.

17 Sec. 2. NEW SECTION. 704A.2 **Restriction on the defense of**  
18 **diminished capacity.**

19 A person does not suffer from reduced mental capacity based  
20 on the discovery of, knowledge about, or potential disclosure  
21 of another person's actual or perceived gender, gender  
22 identity, gender expression, or sexual orientation, including  
23 under circumstances in which the other person made an unwanted,  
24 nonforcible, romantic or sexual advance towards the person, or  
25 if the person and the other person dated or had a romantic or  
26 sexual relationship.

27 Sec. 3. NEW SECTION. 704A.3 **Restriction on the defense of**  
28 **self-defense.**

29 A person is not justified in using force against another  
30 person based upon the discovery of, knowledge about, or  
31 potential disclosure of another person's actual or perceived  
32 gender, gender identity, gender expression, or sexual  
33 orientation, including under circumstances in which the other  
34 person made an unwanted, nonforcible, romantic or sexual  
35 advance towards the person, or if the person and the other

1 person dated or had a romantic or sexual relationship.

2

EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5

This bill relates to restrictions on criminal defenses of  
6 provocation, diminished capacity, and self-defense.

7

The bill provides that for purposes of determining sudden,  
8 violent, and irresistible passion resulting from serious  
9 provocation sufficient to excite such passion in a person, the  
10 provocation is not objectively reasonable if it results from  
11 the discovery of, knowledge about, or potential disclosure of  
12 another person's actual or perceived gender, gender identity,  
13 gender expression, or sexual orientation, including under  
14 circumstances in which the other person made an unwanted,  
15 nonforcible, romantic or sexual advance towards the person, or  
16 if the person and the other person dated or had a romantic or  
17 sexual relationship. The restriction shall not preclude a jury  
18 from considering all relevant facts to determine whether the  
19 defendant was in fact provoked for purposes of establishing a  
20 provocation defense.

21 The bill provides that a person does not suffer from reduced  
22 mental capacity, nor is a person justified in using force  
23 against another person, based on the discovery of, knowledge  
24 about, or potential disclosure of the other person's actual or  
25 perceived gender, gender identity, gender expression, or sexual  
26 orientation, including under circumstances in which another  
27 person made an unwanted, nonforcible, romantic or sexual  
28 advance towards the person, or if the person and the other  
29 person dated or had a romantic or sexual relationship.