

**ASSEMBLY BILL**

**No. 2501**

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**Introduced by Assembly Member Bonilla**

February 21, 2014

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An act to amend Section 192 of the Penal Code, relating to manslaughter.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as introduced, Bonilla. Voluntary manslaughter.

Existing law defines voluntary manslaughter as the unlawful killing of a human being without malice upon a sudden quarrel or heat of passion. The crime of voluntary manslaughter is punishable by imprisonment in the state prison for 3, 6, or 11 years.

This bill would state that provocation to support a finding of “sudden quarrel” or “heat of passion” for those purposes may not be motivated, in part or in whole, by the defendant’s discovery of or knowledge about, or the potential disclosure of (1) one or more of specified characteristics, including gender, race, religion, and sexual orientation, as specified, or (2) the victim’s association with a person or group with one or more of those characteristics. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 192 of the Penal Code is amended to  
2 read:

3 192. Manslaughter is the unlawful killing of a human being  
4 without malice. It is of three kinds:

5 (a) Voluntary—upon a sudden quarrel or heat of passion.

6 (b) Involuntary—in the commission of an unlawful act, not  
7 amounting to felony; or in the commission of a lawful act which  
8 might produce death, in an unlawful manner, or without due caution  
9 and circumspection. This subdivision shall not apply to acts  
10 committed in the driving of a vehicle.

11 (c) Vehicular—

12 (1) Except as provided in subdivision (a) of Section 191.5,  
13 driving a vehicle in the commission of an unlawful act, not  
14 amounting to felony, and with gross negligence; or driving a  
15 vehicle in the commission of a lawful act which might produce  
16 death, in an unlawful manner, and with gross negligence.

17 (2) Driving a vehicle in the commission of an unlawful act, not  
18 amounting to felony, but without gross negligence; or driving a  
19 vehicle in the commission of a lawful act which might produce  
20 death, in an unlawful manner, but without gross negligence.

21 (3) Driving a vehicle in connection with a violation of paragraph  
22 (3) of subdivision (a) of Section 550, where the vehicular collision  
23 or vehicular accident was knowingly caused for financial gain and  
24 proximately resulted in the death of any person. ~~This provision~~  
25 ~~shall paragraph does not be construed to prevent prosecution of~~  
26 a defendant for the crime of murder.

27 ~~This~~

28 (d) *This* section shall not be construed as making any homicide  
29 in the driving of a vehicle punishable that is not a proximate result  
30 of the commission of an unlawful act, not amounting to felony, or  
31 of the commission of a lawful act which might produce death, in  
32 an unlawful manner.

33 ~~“Gross~~

34 (e) *“Gross negligence,”* as used in this section, ~~shall does not~~  
35 ~~be construed as prohibiting or precluding prohibit or preclude~~ a  
36 charge of murder under Section 188 upon facts exhibiting  
37 wantonness and a conscious disregard for life to support a finding  
38 of implied malice, or upon facts showing malice, consistent with

1 the holding of the California Supreme Court in *People v. Watson*;  
2 ~~30 Cal.3d~~ (1981) 30 Cal.3d 290.

3 (f) (1) *For purposes of this section, the provocation to support*  
4 *a finding of “sudden quarrel” or “heat of passion” shall not be*  
5 *motivated, in part or in whole, by the defendant’s discovery of or*  
6 *knowledge about, or the potential disclosure of one or more of the*  
7 *following characteristics, or the potential disclosure of the victim’s*  
8 *association with a person or group with one or more of those*  
9 *characteristics, without regard to whether the characteristic*  
10 *describes the defendant or the victim:*

- 11 (A) *Disability.*
- 12 (B) *Gender.*
- 13 (C) *Nationality.*
- 14 (D) *Race or ethnicity.*
- 15 (E) *Religion.*
- 16 (F) *Sexual orientation.*

17 (2) *For purposes of this section, “gender” includes a person’s*  
18 *gender identity and gender-related appearance and behavior*  
19 *regardless of whether that appearance or behavior is associated*  
20 *with the person’s gender as determined at birth.*

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.