



Proposed Committee Substitute for HOUSE BILL 1104: Vet's Posttraumatic Stress/Mitigating Factor.

2016-2017 General Assembly

Committee:	House Judiciary I. If favorable, re-refer to Appropriations	Date:	May 18, 2016
Introduced by:	Reps. G. Martin, Zachary, Reives, W. Richardson	Prepared by:	Erika Churchill Amy Darden Committee Counsel
Analysis of:	PCS to First Edition H1104-CSBB-1		

SUMMARY: *The Proposed Committee Substitute for House Bill 1104 creates a mitigating factor applicable to Veterans for the Court to consider when sentencing and appropriates funds to help support the State's Veterans Treatment Court.*

(The PCS makes technical changes to the original bill.)

CURRENT LAW: The Court considers aggravating and mitigating factors present in a criminal offense and has the discretion to depart from the presumptive sentencing range if either type of factor is present. Some aggravating factors include an especially heinous or cruel offense, the presence or use of a deadly weapon at the time of the offense and if the victim of the crime suffered a permanent and debilitating injury. Some mitigating factors include committing the crime under duress, suffering a mental or physical condition that reduces culpability for the offense and if the defendant had been honorably discharged from the Armed Forces of the United States.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 1104 would do the following:

- Allow the Court to consider posttraumatic stress disorder resulting from military service in a combat zone as a mitigating factor in sentencing provided that:
 - The defendant is undergoing professional treatment for PTSD;
 - The defendant provides documentation to the court of their service in a combat zone; and
 - The defendant provides evidence of their PTSD diagnosis resulting from events during that service

This section becomes effective October 1, 2016.

- Appropriate \$25,000 to the North Carolina Military Affairs Commission to help support the State's Veterans Treatment Court. This section becomes effective July 1, 2016.

EFFECTIVE DATE: As noted above.

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