



HOUSE BILL 483: Vet. Posttraumatic Stress/Mitigating Factor.

2017-2018 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Judiciary II	Date:	April 6, 2017
Introduced by:	Reps. G. Martin, Zachary, Reives, Rogers	Prepared by:	Jennifer Bedford
Analysis of:	PCS to First Edition H483-CSTT-7		Legislative Analyst

OVERVIEW: *The PCS for House Bill 483 would provide that a court may consider a defendant's diagnosis of posttraumatic stress disorder (PTSD) connected to military service in a combat zone, as a specific mitigating factor for the purposes of criminal sentencing.*

[As introduced, this bill was identical to Senate Bill 402 sponsored by Senators Britt, and J. Jackson. Senate Bill 402 is currently in Senate Rules.]

CURRENT LAW: Under structured sentencing, the court must consider evidence of aggravating and mitigating factors in order to determine an appropriate sentencing range. The sentencing grid contains three ranges of punishment for felonies: presumptive, aggravated, and mitigated. The statutory aggravating and mitigating factors are set out in G.S. 15A-1340.16. The court may find specific statutory factors, or the court may write in additional factors not otherwise provided in law. If the court finds that factors of mitigation are present, and outweigh any aggravating factors; the court may depart from the presumptive range of punishment and impose a term of punishment in the mitigated range.

Related Existing mitigating factors include:

The defendant was suffering from a mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.

The defendant has been honorably discharged from the United State Armed Services.

*Please see the AOC-CR-605 Felony Judgment Findings of Factors in Aggravating and Mitigating Factors in your folder for a complete list of factors.

BILL ANALYSIS: House Bill 483 would provide a statutory mitigating factor for a court to consider when sentencing a criminal defendant who has:

1. Served in a combat zone as a member the United States Armed Forces; and
2. Been diagnosed with PTSD related to his or her military service.

A certification by the Secretary of Military and Veteran Affairs would be required.

The PCS for House Bill 483 would add that a DD Form 214 is sufficient proof of service.

EFFECTIVE DATE: **The PCS for House Bill 483** would become effective October 1, 2017, and apply to offenses committed on or after that date.

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