



HOUSE BILL 584: Vet. Posttraumatic Stress/Mitigating Factor.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Reps. Hardister, Szoka, Martin	Prepared by:	Robert Ryan
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 584 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.*

CURRENT LAW:

G.S. 15A-1340.16 provides statutory aggravating and mitigating factors.

The sentencing grid contains three ranges of punishment for felonies: presumptive, aggravated, and mitigated. Under structured sentencing, the court must consider evidence of aggravating and mitigating factors in order to determine an appropriate sentencing range. 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 for a complete list of factors:

<https://www.nccourts.gov/assets/documents/forms/cr605-en.pdf?0MjtH64pTlukCkrmTG4C2ljv2s67Nb2X>

BILL ANALYSIS: **House Bill 584** would provide a statutory mitigating factor for a court to consider when sentencing a criminal defendant who has:

- Served in a combat zone as a member the United States Armed Forces; and
- Been diagnosed with PTSD related to military service.

EFFECTIVE DATE: The bill would become effective December 1, 2021, and apply to offenses committed on or after that date.

Jennifer Bedford, Staff Attorney, substantially contributed to this summary.

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