



2023-2024 General Assembly

HOUSE BILL 237: Various Criminal and Election Law Changes, Sec. 2: Enhance Punishment if the Defendant was Wearing a Mask

Committee:		Date:	August 23, 2024
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	Sec. 2 of S.L. 2024-16		Staff Attorney

OVERVIEW: Section 2 of S.L. 2024-16 enhances the criminal punishment if a defendant wears a mask to conceal the defendant's identity during the commission of another crime.

This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

Section 2 of S.L. 2024-16 became effective June 27, 2024, and applies to offenses committed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

Article 81B of Chapter 15A of the General Statutes provides for structured sentencing of criminal defendants, including sentencing enhancements based on various aggravating factors.

Section 2 of the act establishes a new sentencing enhancement for defendants who wear masks or other clothing to conceal or attempt to conceal the defendant's identity during the commission of a crime. If the defendant admits, or if a jury finds beyond a reasonable doubt, that the defendant wore a mask or other clothing to conceal or attempt to conceal the defendant's identity, the defendant is guilty of a misdemeanor or felony that is one class higher than the underlying offense for which the person was convicted. If the defendant is eligible for active punishment based on the defendant's offense class and prior record level, the court is required to order a term of imprisonment. The State is required to identify the facts triggering this enhancement in the indictment or information. The sentencing enhancement does not apply if wearing a mask to conceal one's identity is an element of the underlying offense.

EFFECTIVE DATE: This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

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