

HB 3176 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/23

WHAT THE MEASURE DOES:

Provides that, in determining mitigation for purposes of imposing sentence, court may consider whether defendant committed crime while being commanded or urged by, or under pressure or influence from, another person who has committed acts of domestic violence against defendant.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a person is convicted of a misdemeanor, the court has broad discretion to impose a sentence within the applicable maximums. For example, when a person is convicted of a Class A misdemeanor, the court may impose a jail sentence of up to one year, a fine of up to \$6,250, or both. For felonies that are subject to the sentencing guidelines, a court may impose a departure from a presumptive sentence based on substantial and compelling reasons. In both of these circumstances, House Bill 3176 will allow a sentencing court to consider whether the crime was committed while the defendant was being commanded or urged by, or under pressure or influence from, another person who has committed acts of domestic violence against the defendant.