

**HB 3176 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Thatcher

**Senate Committee On Judiciary**

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**Action Date:** 05/04/17  
**Action:** Do pass the A-Eng bill.  
**Vote:** 5-0-0-0  
**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher  
**Fiscal:** Has minimal fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Authorizes court, in determining mitigation for purposes of imposing sentence, to consider whether defendant committed crime under duress, compulsion, direction or pressure from person who has committed domestic violence against defendant or forced defendant to engage in commercial sex act.

**ISSUES DISCUSSED:**

- Women involved in criminal justice system and their relationships with abusive partners
- Judicial discretion

**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-A allows a sentencing court to consider whether a crime was committed while a defendant was pressured by a person who has previously committed domestic violence against the defendant or compelled the defendant to engage in a commercial sex act.