

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB1639
Version:	FA1
Request Number:	8031
Author:	Hasenbeck
Date:	3/22/2023
Impact:	Please see previous summary of this measure

Research Analysis

The CS to HB 1639 creates the Domestic Abuse Survivorship Act. The measure provides definitions to be used in the act. The measure provides that during a hearing to sentence or accept a plea of guilty from a survivor of domestic abuse who has been charged with the crime of homicide of his or her intimate partner, the court must consider as a mitigating factor that the person has been abused physically, sexually, economically, or psychologically. The defense must provide the court with evidence, including at least one piece of evidence that is a court record, presentence report, social services record, hospital record, sworn statement from a witness to the domestic violence, law enforcement record, domestic incident report, or order of protection. If the court finds by a preponderance of the evidence that the defendant is a survivor of domestic abuse, the measure limits the punishment available for the offense charged. The measure allows those currently incarcerated who may qualify as survivors of domestic abuse to make application with the court to seek redress. The measure provides procedures for the court after an application has been made.

CHANGES MADE IN THE FLOOR SUBSTITUTE:

Modifies and removes definitions in Section 2.

Modifies language in Section 3 to provide that the court has the discretion to depart from the applicable sentence if the court finds that the defendant is a survivor of domestic abuse. Provides that if the defendant is pregnant at the time of sentencing, the court may give due regard to the condition when departing from the applicable sentence. Requires the psychiatric examination of the arrested person to be conducted within 72 hours.

Removes the language found in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.

