

## H.B. 62

### PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 2, 2010 2:18 PM

Representative **Janice M. Fisher** proposes the following amendments:

1. Page 1, Line 22 through Page 2, Line 28

House Committee Amendments

2-22-2010:

22           { ~~requires the court to order a person who commits a violent offense in the presence~~  
23   ~~of a child to pay restitution for any necessary counseling for each child who is~~  
24   ~~present when the offense was committed, unless the court states on the record why~~  
25   ~~the court finds the restitution would not be appropriate;~~  
26   ~~————— provides that a charge of committing a violent criminal offense in the presence of a~~  
27   ~~child is separate and distinct from a charge of domestic violence when the victim is~~  
28   ~~the cohabitant and specifies that either or both charges may be filed by the prosecutor; }   H→ and~~

2. Page 2, Line 52

House Committee Amendments

2-22-2010:

52   ~~offense involving violence or physical harm~~   that is not a domestic violence offense as defined in Section  
      77-36-1 .

3. Page 3, Lines 65 through 71

House Committee Amendments

2-25-2010:

65           { ~~(4) H→ [In addition to any other penalty, the] The~~ ~~←H~~  ~~court shall order a person who~~  
65a   ~~violates~~  
66   ~~Subsection (2) to pay restitution for any necessary counseling for each child who is present~~  
67   ~~when the violation was committed, unless the court states on the record reasons why the court~~  
68   ~~finds the restitution would not be appropriate. }~~  
69           { ~~(5) (a) A charge under this section is separate and distinct from, and is in addition to, a~~  
70   ~~charge of domestic violence when the victim is the cohabitant.~~  
71   ~~———— (b) Either or both charges may be filed by the prosecutor. }~~