



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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March 2, 2018

Mr. Speaker,

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 447**, MURDER DEFENSE AMENDMENTS, by Representative A. Romero, with the following amendments:

1. *Page 2, Lines 47 through 56:*

- 47        (i) the actor experiences:  
48        (A) extremely unusual and overwhelming stress immediately after and ~~{solely~~  
49        ~~}~~ predominantly as a result  
49        of a highly provoking act of the victim; and  
50        (B) ~~{a}~~ an overwhelming loss of self-control as a result of the stress  
50        described in Subsection (2)(a)(i)(A)  
51        that is not regained before the actor commits the offense;  
52        (ii) a reasonable person under the circumstances described in Subsection  
52        (2)(a)(i)(A)  
53        would have experienced ~~{a}~~ an overwhelming loss of self-control; and  
54        (iii) the time period after the circumstances described in Subsection (2)(a)(i) and  
54        before  
55        the commission of the offense was not long enough for a reasonable person under the  
55        same  
56        circumstances to have regained self-control.

2. *Page 2, Line 57 through Page 3, Line 59:*

- 57        (b) Under Subsection (1)(b), emotional distress does not include:  
58        (i) a condition resulting from mental illness as defined in Section 76-2-305; or  
59        (ii) ~~{distress that was}~~ extremely unusual and overwhelming stress  
that is substantially caused by the:

Bill Number



HB0447

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3. *Page 4, Lines 90 through 92:*

90           (c) If the trier of fact finds that special mitigation has not been established, the trier  
of  
91 fact shall convict the defendant of the {~~greater~~} offense for which the prosecution  
has established  
92 all the elements beyond a reasonable doubt.

4. *Page 4, Lines 97 through 100:*

97           (c) If the jury finds by a unanimous vote that special mitigation has not been  
98 established, [it] or the jury is unable to unanimously agree whether special mitigation has  
been  
99 established, the jury shall convict the defendant of the {~~greater~~} offense for which  
the prosecution  
100 has established all the elements beyond a reasonable doubt.

Respectfully,

Lee B. Perry  
Chair

Voting: 9-1-1

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