

# H.B. 447

## MURDER DEFENSE AMENDMENTS

Representative **Angela Romero** proposes 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}~~ 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 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 (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 before  
55        the commission of the offense was not long enough for a reasonable person under the 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:

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.