

S.B. 238

BATTERED PERSON MITIGATION AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 9, 2020 6:18 PM

Senator **Daniel W. Thatcher** proposes the following amendments:

1. *Page 2, Lines 49 through 54:*

49 (5) (a) If the trier of fact is a jury, an individual is not entitled to mitigation under

50 Subsection (2)(a) unless the jury:

51 ~~{(a)}~~ (i) finds the individual proved, in accordance with Subsection (3), that the individual is
52 entitled to mitigation by unanimous vote; and

53 ~~{(b)}~~ (ii) returns a special verdict for the reduced charge at the same time the jury returns the
54 general verdict.

(b) A non unanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not result in a hung jury.