

HB 4108 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/3

WHAT THE MEASURE DOES:

Defines permanent physical injury. Allows for a district attorney to allege a defendant caused permanent physical injury to a victim during the commission of certain crimes and to plead the allegation in the accusatory instrument. States that if a defendant is convicted of a crime, having as an element that the defendant caused permanent physical injury to the victim, the court shall impose as a sentence a term of imprisonment of 300 months. Allows the court to impose a sentence of less than 300 months in certain circumstances.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current law, other than causing the death of another, the most serious form of injury recognized by statute is serious physical injury. Serious physical injury is defined as injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

House Bill 4108 creates an aggravated level of permanent physical injury, which is defined as injury that directly results in the permanent loss of vision or hearing, or ability to walk, breath, eat, or move the person's limbs. The measure requires the court to impose as a sentence a term of imprisonment of 300 months if a defendant is convicted of having caused permanent physical injury to the victim.