

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 584

Short Title: Vet. Posttraumatic Stress/Mitigating Factor. (Public)

Sponsors: Representatives Hardister, Szoka, and Martin (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 19, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS
DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS
A VETERAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.16(e) is amended by adding a new subdivision to read:

"(e) Mitigating Factors. – The following are mitigating factors:

...

(14a) The defendant has been diagnosed as suffering from posttraumatic stress disorder resulting from the defendant's military service and is undergoing professional treatment for that condition. As used in this section, "posttraumatic stress disorder" is defined in the same manner as in the Diagnostic and Statistical Manual of Mental Disorders, DSM-5, or subsequent editions published by the American Psychiatric Association, occurring as a result of the defendant's service in one or more military combat zones. The defendant shall provide to the court documentary evidence that the defendant has done all of the following:

- a. Served in the Armed Forces of the United States in a combat zone, as the term is defined in Section 112 of the United States Internal Revenue Code of 1986. Proof of service shall consist of either a certification by the Secretary of Military and Veterans Affairs or a United States Department of Defense Form DD-214.
- b. Been diagnosed with posttraumatic stress disorder connected to the defendant's service in the Armed Forces of the United States of America.

...."

SECTION 2. This act becomes effective October 1, 2021, and applies to offenses committed on or after that date.



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