

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 804

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

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

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS  
3 DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS  
4 A VETERAN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1340.16(e) is amended by adding a new subdivision to read:  
7 "(e) Mitigating Factors. – The following are mitigating factors:

8 ...

9 (14a) The defendant has been diagnosed as suffering from posttraumatic stress  
10 disorder resulting from the defendant's military service and is undergoing  
11 professional treatment for that condition. As used in this section,  
12 "posttraumatic stress disorder" is defined in the same manner as in the  
13 Diagnostic and Statistical Manual of Mental Disorders, DSM-5, or subsequent  
14 editions published by the American Psychiatric Association, that occurred as  
15 a result of the defendant's service in one or more military combat zones. The  
16 defendant shall provide to the court documentary evidence that the defendant  
17 has done all of the following:

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

26 ...."

27 **SECTION 2.** This act becomes effective October 1, 2019, and applies to offenses  
28 committed on or after that date.

