

Amendment No. 1 to SB1327

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1327

House Bill No. 1203*

by deleting the amendatory language of Section 1 and substituting instead the following:

(t) There shall be no release eligibility for a person committing the offense of first degree murder and sentenced to life imprisonment, on or after July 1, 2015. The person shall serve one hundred percent (100%) of the sentence imposed by the court if, at the person's sentencing hearing, the court found the murder was especially heinous, atrocious, or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death.

AND FURTHER AMEND by deleting the amendatory language of Section 3 and substituting instead the following:

(e)

(1) At the sentencing of anyone convicted of murder in the first degree and sentenced to life imprisonment, the state may introduce evidence that the circumstance described in subdivision (2) was applicable to the person being sentenced. The court shall conduct a hearing on the evidence, and the person being sentenced has the right to rebut the evidence. The state shall give notice ten (10) days prior to sentencing that it intends to introduce evidence, pursuant to this subsection (e). At the conclusion of the hearing, the court shall state on the record whether the circumstance was proven or not proven. If the circumstance is proven, the person's sentence shall include that § 40-35-501(t) is applicable to the person.

Senate Judiciary Committee 1

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(2) The circumstance making § 40-35-501(t) applicable to a person being sentenced to life imprisonment for murder in the first degree is where the murder was especially heinous, atrocious, or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death.