

**BILL SUMMARY**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 2310</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>7282</b>
<b>Author:</b>	<b>Rep. Frix</b>
<b>Date:</b>	<b>2/11/2019</b>
<b>Impact:</b>	<b>AOC: \$0</b>

**Research Analysis**

HB 2310 allows a person convicted of a crime to select either the jury or the judge to assess punishment. If the defendant elects to be sentenced by the judge, the court is to order a presentence investigation and report, unless waived by the defendant, and set a date for sentencing of the defendant. The court is to receive aggravating and mitigating evidence and argument on punishment unless waived by the state and the defendant prior to pronouncing the sentence. If the defendant elects to have the jury assess punishment, aggravating and mitigating evidence, including evidence of second and subsequent offenses, an argument on punishment is to be received by the jury unless waived by the state and the defendant. The court is to instruct the jury on the law relating to punishment for the offense. Additionally, the court must instruct the jury on the law relating to second and subsequent offenses and sentencing alternatives available to the jury.

The measure repeals Title 22, Section 860.1 relating to Second or Subsequent Offense - Trial Procedures.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

HB 2310, upon review and consultation with the Administrative Office of the Courts (AOC), is determined to have no fiscal or revenue considerations for the state.

Prepared By: Kristina King

**Other Considerations**

None.