

Key points about House Bill 372

- HB 372 – is post conviction, it does not interfere with the adjudication process
- HB 372 is crafted to be permissive, without being proscriptive
- The gate into and out the provisions of HB 372 is guarded by judicial review
- HB 372 is good for lower income folks because it allows them an option to pay by other than monetary means
- HB 372 is victim-friendly, offender allowed and judicially scrutinized.
- HB 372 applies to non-violent offenders only, the penalties for crimes against persons, domestic violence, or arson where a life is threatened, can not be negotiated.
- By allowing non-violent offenders to work off their sentence, we reserve more prison beds for offenders who are a real threat to public safety.
- There will be some offenders who do not respond to the community sentencing option, for these we have a well established correctional system.
- Crimes that may be considered for community sentencing by a judge are the same cases in which the judge may suspend the sentence or consider other lesser punishments.
- Page 1 line 9-10 specify that whatever sentence is produced by negotiation much also comply with sentencing guidelines we already have in place – we are not undoing presumptive or mandatory sentencing.
- In section 3, HB 372 is adding one additionally mitigating factor to the 17 existing ones that may be considered by a court in mitigating the form the sentence takes.
- Because we have attempted to be non-proscriptive, some crimes that would be available to negotiate are technically impractical to do so: indecent exposure for example.
- Instead of detailing a multi-page laundry list of do's and don'ts it seems best to say: "No negotiation for serious arson, violent person to person crime or instances of domestic conflict (defined as one household member victimizing another), all others *may* be considered by the court and the victim or his/her community."