

kidnapping, manslaughter, except involuntary manslaughter, mayhem, murder, robbery, or rape or sexual offense in the first or second degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence--~~THE DEFENDANT HAS NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL ACTIVITY.~~

(2) The victim was a participant in the defendant's conduct or consented to the act which caused the victim's death.

(3) The defendant acted under substantial duress, ~~domination or provocation of another person,~~ but not so substantial as to constitute a complete defense to the prosecution.

(4) The murder was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired as a result of mental incapacity, mental disorder, OR emotional disturbance, ~~OR INTOXICATION~~ AGAINST--THE--DEFENDANT'S WILL--~~SELF-INDUCED--DRUG--OR-ALCOHOL-ADDICTION-OR-DEPENDENCY-IS NOT-A-MITIGATING-CIRCUMSTANCE-UNDER-THIS-PARAGRAPH.~~

(5) The ~~defendant's~~ youthful age of the ~~defendant~~ WAS-UNDER THE-AGE-OF-16-YEARS at the time of the crime.

~~The~~ (6) The act of the defendant was not the sole proximate cause of the victim's death.~~THE DEFENDANT'S ACT WAS NOT THE SOLE PROXIMATE CAUSE OF THE VICTIM'S DEATH.~~

~~The~~ (7)~~It is unlikely that the defendant will engage in further criminal activity that would constitute a continuing threat to society.~~

~~The~~ (8)~~Any other facts which the jury or the court specifically sets forth in writing that it finds as mitigating circumstances in the case.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 24, 1983.

CHAPTER 297

(Senate Bill 132)

AN ACT concerning

Presentence Investigation - Victim Impact Statement -
Address-by-Victim-or-Family Death Penalty Cases