

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Turnbull, Chestnut, and Heyman offered the following:

Amendment (with title amendment)

On page 13, between lines 26 & 27,

insert: (f) After considering the provisions of subparagraphs (2)(a) 1-3, and (3)(a) 1-3, the state attorney shall not seek to impose the minimum mandatory prison terms required by this act if any of the following circumstances exist:

1. The defendant has never previously been arrested, or his or her involvement in the charge is remote; or

2. The defendant was not in actual possession of a firearm or destructive device.

3. The prosecuting attorney does not have sufficient evidence to prove the highest charge available;

4. The testimony of a material witness cannot be obtained;

5. the victim does not want the offender to receive the mandatory prison sentence and provides a written statement

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1 to that effect;

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 4, line 13,

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8 after the semicolon insert:

9 providing exceptions to the imposition of the

10 minimum mandatory.

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