

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 1422

Date: May 11, 2021

CLAC members do not favor section 1 of LD 1422. In the section of the Criminal Code that sets forth the purposes of sentencing, courts are urged to impose sentences that “do not diminish the gravity of offenses” with reference to various factors. Among the factors is perpetrator’s selection of the victim based on the victim’s “race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of the victim.” The bill would add “employment as a law enforcement officer” to this list.

CLAC members point out that law enforcement officers already have special protection under the Criminal Code in that a simple assault committed upon a law enforcement officer is a Class C offense punishable by up to 5 years in prison, as opposed to a Class D offense punishable by up to one year in jail. More importantly, however, CLAC members are certain that proof that the victim of a crime was selected because that person was a law enforcement officer would already be considered a substantial aggravating factor by any judge imposing a sentence for that crime. Accordingly, CLAC members view the bill as unnecessary.