

# Bill as Introduced

HB 1634-FN - AS INTRODUCED

2010 SESSION

10-2056  
04/10

HOUSE BILL

***1634-FN***

AN ACT relative to assault by strangulation.

SPONSORS: Rep. Shurtleff, Merr 10; Rep. Bettencourt, Rock 4; Rep. Rodd, Merr 5; Rep. Groen, Straf 1

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill adds strangulation to the second degree assault statute.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT           relative to assault by strangulation.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Second Degree Assault. Amend RSA 631:2 to read as follows:

2           631:2 Second Degree Assault.

3           I. A person is guilty of a class B felony if he *or she*:

4           (a) Knowingly or recklessly causes serious bodily injury to another; or

5           (b) Recklessly causes bodily injury to another by means of a deadly weapon, except that  
6 if the deadly weapon is a firearm, he *or she* shall be sentenced in accordance with RSA 651:2, II-g; or

7           (c) Recklessly causes bodily injury to another under circumstances manifesting extreme  
8 indifference to the value of human life; or

9           (d) Purposely or knowingly causes bodily injury to a child under 13 years of age; or

10           (e) Recklessly or negligently causes injury to another resulting in miscarriage or  
11 stillbirth[-]; *or*

12           (f) *Purposely or knowingly engages in the strangulation of another.*

13           II. In this section:

14           (a) "Miscarriage" means the interruption of the normal development of the fetus other  
15 than by a live birth and not an induced abortion, resulting in the complete expulsion or extraction of  
16 a fetus; and

17           (b) "Stillbirth" means the death of a fetus prior to complete expulsion or extraction and  
18 not an induced abortion.

19           (c) "*Strangulation*" means the application of pressure to another person's  
20 throat or neck, or the blocking of the person's nose or mouth, that causes the person to  
21 experience impeded breathing or blood circulation or a change in voice.

22           2 Effective Date. This act shall take effect January 1, 2011.

LBAO  
10-2056  
12/16/09

**HB 1634-FN - FISCAL NOTE**

AN ACT relative to assault by strangulation.

**FISCAL IMPACT:**

The Judicial Branch, Judicial Council, Department of Corrections, and New Hampshire Association of Counties state this bill may increase state and county expenditures by an indeterminable amount in FY 2011 and each year thereafter. This bill will have no fiscal impact on local expenditures or state, county, and local revenue.

**METHODOLOGY:**

The Judicial Branch states this bill would amend RSA 631:2 to make purposely or knowingly engaging in strangulation of another a second degree assault punishable as a class B felony. Currently such crime would be simple assaults and punishable as misdemeanors. The Branch is unable to estimate how many new charges will be brought pursuant to the proposed legislation. In FY 2010 and beyond, the Branch states the cost to process an average class A misdemeanor charge in district court is \$51.14, the cost to process a class B misdemeanor charge is \$36.89, and the cost to process a felony assault charge (a complex felony) in the superior court is \$661.17. These figures do not consider any salary increases or decreases that may occur, or the cost of any appeals that may be taken following trial in any potential criminal cases. The Branch states the fiscal impact would be the difference in cost between a felony assault charge and a misdemeanor. The exact fiscal impact cannot be determined at this time.

The Judicial Council states this bill may result in an indeterminable increase in state general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$756.25 per felony level offense is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$4,100 for a felony level offense. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal. The exact fiscal impact cannot be determined at this time.

LBAO  
10-2056  
12/16/09

The Department of Corrections states crime and arrest data is not available in sufficient detail to predict the number of individuals who would likely be subject to this legislation. However, the average annual cost of incarcerating an individual in the general prison population for FY 2009 was \$33,110. The cost to supervise an offender by the Department's Division of Field Services for FY 2009 was \$744.

The New Hampshire Association of Counties states to the extent an individual is convicted, and sentenced to incarceration, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be detained or incarcerated as a result of this bill. The average cost to incarcerate an individual in a county facility is \$35,342 a year.

The Department of Justice states any fiscal impact could be absorbed within their existing budget.

# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1634-FN

BILL TITLE: relative to assault by strangulation.

DATE: January 20, 2010

LOB ROOM: 204 Time Public Hearing Called to Order: 11:20 a.m.

Time Adjourned: 12:05 p.m.

(please circle if present)

Committee Members: Reps. Shurtleff, ~~Pantelakos~~, ~~Berube~~, ~~Robertson~~, ~~Movsesian~~, Burridge, ~~Cushing~~, ~~Rodd~~, ~~Chandley~~, ~~B. McCarthy~~, M. Ryder, ~~Welch~~, ~~Charron~~, ~~Fest~~, ~~Weare~~, Stevens, ~~Villeneuve~~, ~~Gagne~~, Swinford and ~~Willette~~.

Bill Sponsors: Rep. Shurtleff, Merr 10; Rep. Bettencourt, Rock 4; Rep. Rodd, Merr 5; Rep. Groen, Straf 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Shurtleff - Prime sponsor.

- Has support of several law enforcement associations and the Atty. General's Office.

Scott Hampton - Ending the Violence (In support)

- Strangulation not uncommon in domestic violence.
- Choking is different than strangulation.
- Choking is internal – strangulation is external.
- Rape, strangulation and pit abuse are most common because the first two are personal.

\*Grace Mattern - N. H. Coalition against domestic and sexual violence. (Supports)

- Had prepared testimony.

\*Bob Frechette - Rochester Police Department (Supports)

- Has written testimony.

Lara Satto - Grafton County Attorney (In support)

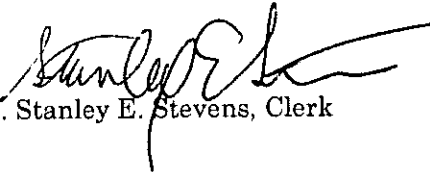
- Law enforcement admits if they don't see an injury you can't charge the crime.
- Cited experience in Grafton County.
- Attorney General's Office supports this bill.

Warren Groen - Co-sponsor

(Supports)

- Need to recognize individual freedom re consensual acts.
- Be wary of unintended consequences.

Respectfully Submitted:



Rep. Stanley E. Stevens, Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1634-FN

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**LOB ROOM:** 204      **Time Public Hearing Called to Order:**

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Shurtleff, ~~Zantela~~ Ros, ~~Berube~~ Robertson, ~~Movsesian~~, Burridge, ~~Cushing~~, ~~Rodd~~ ~~Chandley~~, B. ~~McCarthy~~, M. ~~Ryder~~, ~~Welch~~, ~~Charron~~, ~~Fesh~~, ~~Weare~~ ~~Stevens~~, ~~Villeneuve~~, ~~Gagne~~, ~~Swinford~~ and ~~Willette~~.

**Bill Sponsors:** Rep. Shurtleff, Merr 10; Rep. Bettencourt, Rock 4; Rep. Rodd, Merr 5; Rep. Groen, Straf 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

HB 1634-FN

20 Jan 2010

Start : 1120  
Finish : 1205

Rep Shurtleff prime sponsor.

- o has support of several law enforcement associations and the Atty. General's Office

Scott Humphrey (Hampton) Ending the violence (in support)

- o strangulation not uncommon in domestic violence.
- o choking is different than strangulation
- o choking is internal - strangulation is external.
- o rape, strangulation and pet abuse are most common because the first two are personal.

Grace Mattern NH Coalition against domestic ~~violence~~ <sup>and sexual</sup> violence (supports)

- o Has prepared testimony -

Bob Frechette Rochester Police Dept. (supports)

- o has written testimony.

(2)

Lara Sutto Grafton County Attorney (in support)

- law enforcement admits if they don't see an injury you can't charge the crime.
- cited experience in Grafton County.
- Attorney General's Office supports this bill.

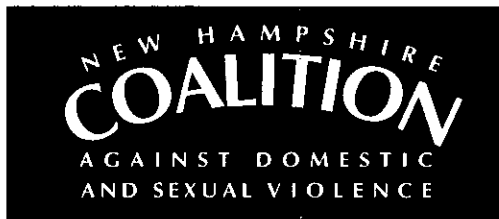
Warren Groen ~~self~~ co-sponsor (supports)

- need to recognize individual freedom re consensual acts.
- be wary of unintended consequences.

# Testimony

P.O. Box 353  
Concord, NH 03302-0353  
Phone: (603)-224-8893  
fax: (603)-228-6096  
www.nhcadsv.org  
www.reachoutnh.com

Grace Mattern



## HB 1634, Relative to assault by strangulation.

Statewide Toll Free Hotlines  
Domestic Violence:  
1-866-644-3574  
Sexual Assault:  
1-800-277-5570

January 19, 2010

Dear Chairman Shurtleff and Honorable members of the House  
Criminal Justice and Public Safety Committee,

### MEMBERS:

*RESPONSE to Sexual  
& Domestic Violence*  
Berlin  
Colebrook  
Lancaster

*Turning Points Network*  
Claremont  
Newport

*Rape and Domestic Violence  
Crisis Center*  
Concord

*Starting Point*  
Conway  
Ossipee

*Sexual Harassment and Rape  
Prevention Program (SHARPP)*  
University of New Hampshire  
Durham

*Monadnock Center for  
Violence Prevention*  
Keene  
Jaffrey  
Peterborough

*New Beginnings:*  
Laconia

*WISE*  
Lebanon

*The Support Center at Burch House*  
Littleton

*YWCA&Crisis Service*  
Manchester  
Derry

*Bridges: Domestic & Sexual  
Violence Support*  
Nashua  
Milford

*Voices Against Violence*  
Plymouth

*A Safe Place*  
Portsmouth  
Rochester  
Salem

*Sexual Assault Support Services*  
Portsmouth  
Rochester

I am writing in reference to **HB 1634**, an act relative to assault by strangulation. The New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) and its 14 member programs **SUPPORT** HB 1634. Abusers use strangulation as one of the many tactics to silence, coerce, control, and sometimes kill their victims. Recognizing the seriousness of strangulation, this bill is one of NHCADSV's top legislative priorities for 2010.

NHCADSV is a statewide network of 14 independent crisis centers across the state. Our mission is to provide services to victims of domestic and sexual violence and stalking, and to be a voice for victims before the NH Legislature. No organization is more committed to holding offenders of domestic and sexual violence accountable for their actions.

Strangulation has only recently been identified as one of the most lethal forms of domestic violence. Historically, strangulation has been rarely prosecuted as a serious offense because victims minimize the level of violence they experience, and police or medical personnel fail to recognize its harm. As awareness of strangulation has grown, we have observed a pattern in which strangulation is used by abusers as they escalate violence. In other words, strangulation, when detected, is a strong indicator of an overall and potentially deadly pattern of violence in an intimate relationship.

### Risk of Homicide

It is estimated that the majority (67% - 80%) of intimate partner homicides involve physical abuse of the female by the male before the murder.<sup>1</sup> Therefore, one of the major ways to decrease intimate

<sup>1</sup> Greenfield L.A. Rand MR, Craven D, et al. *Violence by Intimates. Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC: US Dept of Justice; 1998.

Mercy JA, Saltzman LE. Fatal violence among spouses in the United States: 1976-85, *Am J Public Health*, 1989;79:595-599.

Langford L, Isaac NE, Kabat S. Homicides related to intimate partner violence in Massachusetts. *Homicide Stud*. 1998;2:353-377

Campbell JC "If I can't have you, no one can: Power and Control in Homicide of Female Partners. In: Radford J, Lissell DEH, eds. *Femicide: The Politics of Woman Killing*. New York, NY: Twayne; 1992:99-113.

McFarlane J, Campbell JC, Wilt S, Sachs C, Ulrich Y, Xu X. Stalking and intimate partner femicide. *Homicide Stud*. 1999;3:3D0-316.

Pataki G. *Intimate Partner Homicides in New York State*. Albany, NY: New York State Governor's Office; 1997

partner homicide is to identify and intervene with battered women at risk.<sup>1</sup>

The former Chief of Police of Henniker NH, Timothy Russell, is currently leading a statewide effort to train law enforcement officers, other first responders and professionals to identify high risk domestic violence victims. The Lethality Assessment Program (LAP) trains first responders on an 11 question lethality screening tool, designed to identify victims who are in danger of being killed.

Question #5: Has he/she ever tried to choke\* you?

Therefore, the act of strangulation is so severe that it is considered a significant risk factor for domestic violence victims and associated with an increased risk of later lethal violence by a partner or ex-partner.

### **Intimate Partner Homicides in NH**

It's currently difficult to track incidents of strangulation, but a review of homicides can provide at least a small snapshot of its prevalence and the lethality domestic violence victims face. The NH Domestic Violence Fatality Review Committee reviews domestic violence-related homicides in the state and releases a report as needed. The 2009 report found that out of the 370 homicides in the state from 1990 to 2008, 95 victims were murdered by their intimate partners.<sup>2</sup>

That means, in those 18 years, 26% of all homicides in New Hampshire were committed by an intimate partner

**In 2004, Sandra Royce (52)** of Manchester, NH was strangled to death by her boyfriend in the gravel pits behind his home. She left behind two sons.

**In 2005, Kimberly Ernest (21)** of Epping, NH died after being beaten and strangled by her ex-boyfriend in 1991 and was left in a vegetative state. Fifteen years later, in November 2005, Kimberly died as a result of the injuries caused by the attack.

**In 2005, Jennifer Huard (26)** and her brother **Jeremy "Jay" Huard (29)** were shot and killed by Jennifer's ex-boyfriend. Jennifer had lived on and off with her boyfriend for the past year and had recently left, after he tried to strangle her.

**In 2009, Arlene Lopata-Houle (50)** of Manchester, NH was strangled to death by her on and off boyfriend and was found dead in his apartment.

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<sup>1</sup> Campbell, Jacquelyn C. 2003. "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study." *American Public Journal of Public Health* 93(7):1089-1097.

\* *It's important to note that victims of domestic violence often identify with the word 'choke,' rather than strangle.*

<sup>2</sup> The State of New Hampshire: Governor's Commission on Domestic and Sexual Violence. Domestic Violence Fatality Review Committee, 7<sup>th</sup> Annual Report (May 2009).

**In 2009, Melissa “Missy” Charbonneau (29)** was found dead outside her Manchester apartment. She was shot by her estranged husband, Jonathan Charbonneau, who then shot her father before killing himself. Jonathan had been arrested earlier that week for allegedly strangling and throwing Missy down a flight of stairs.

Strangulation is one of the top risk factors for domestic violence homicide and accounts for 18% of all intimate partner deaths and 10% of all violent deaths in the United States.<sup>3</sup>

### **Strangulation and its Harmful Effects**

Local programs that run domestic violence help lines, operate support groups, and provide shelter to victims in crisis increasingly tell us that strangulation is a serious problem—not just because of its consistent use by abusers but also because current law does not adequately address this crime.

Particularly because strangulation can leave no visible injury or cause bruising only days after it occurs, abusers too often get away with misdemeanors or no charges even when they cause serious harm to their victims. Abusers deliberately use strangulation precisely because they know it will not cause visible bruising. They can terrorize their victims, yet those victims will go about their daily life without friends, family, or the general public observing any physical signs of the abuse. If abusers think they can get away with violence without punishment, they will. That’s the nature of domestic violence. It’s calculated, and it’s about maintaining power over victims’ lives.

**HB 1634** will give law enforcement better guidance to adequately handle the severity and danger of strangulation for victims. By explicitly spelling out the crime of strangulation as a felony, the bill will be a powerful tool for intervening in domestic violence and keeping it from intensifying.

We respectfully ask for the Committee’s support of HB 1634 and vote OTP, so that abusers are held accountable, while many lives in the state of New Hampshire could be saved.

Sincerely,

Grace Mattern  
Executive Director, NHCADSV

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<sup>3</sup> Wilbur, L., Hugley, M., Harfield, J., Surprenant, Z., Taliaferro, E., Smith, J., & Paolo, A., (2001). *Survey results of women who have been strangled while in an abusive relationship*. *Journal of Emergency medicine*, 21(3), 297-302.

## HB 1634

# Relative to Assault by Strangulation

### WHAT IS STRANGULATION?

“Strangulation” means the application of pressure to another person’s throat or neck, or the blocking of the person’s nose or mouth that causes the person to experience impeded breathing or blood circulation or a change in voice. Once blood flow is cut off, a victim will be unconscious in 10 seconds, and 50 seconds beyond that brain death becomes a near certainty.

*“When someone puts their hands around your neck and squeezes, it changes how you feel about everything, everywhere. It turns people from average people into hostages. It’s a statement that he can end your life any time he wants to.”*

*A North Carolina advocate who shares her story on how she survived strangulation assaults by a former abuser.*

- Non-lethal strangulation of intimate partners has substantial direct health effects and is associated with an increased risk of later lethal violence by a partner or ex-intimate partner but can be difficult to prosecute under felony assault statutes.
- Strangulation is one of the top risk factors for domestic violence homicide and accounts for 18% of all intimate partner deaths and 10% of all violent deaths in the United States.<sup>i</sup>
- Despite this highly dangerous behavior, NH’s criminal statutes fail to properly recognize the long term and fatal implications associated with strangulation, and limit penalties for strangulation to misdemeanors in most cases.
- Strangling attacks are both dangerous, and more common than most people think.<sup>ii</sup> As a result, several states in the U.S. have modified their laws to more adequately address the dangerous crime of strangulation.

### WHY DOES NH NEED A SEPARATE CRIME OF STRANGULATION?

- HB 1634 will strengthen penalties against the act of strangulation and enable prosecutors to treat instances of this act with the severity they deserve. It will hold assailants accountable, and it could potentially save lives.
- HB 1634 properly recognizes strangulation as a life-threatening assault and warning sign of potential homicide and may spark training and awareness statewide for criminal justice and medical professionals.

<sup>i</sup> Wilbur, L., Hugley, M., Harfield, J., Surprenant, Z., Taliaferro, E., Smith, J., & Paolo, A., (2001). *Survey results of women who have been strangled while in an abusive relationship*. Journal of Emergency medicine, 21(3), 297-302.

<sup>ii</sup> The Chicago Women’s Health Risk Study, Risk of Serious Injury or Death in Intimate Violence: A Collaborative Research Project, New Report, Revised June 2, 2000



## INTIMATE PARTNER HOMICIDES IN NH

Out of the 370 homicides in the state from 1990 to 2008, 95 victims were murdered by their intimate partners.<sup>iii</sup> This means that 26% of all homicides in New Hampshire were committed by an intimate partner



*In 2005, Kimberly Ernest (21) of Epping, NH died after being beaten and strangled by her ex-boyfriend and was left in a vegetative state. Fifteen years later, in November 2005, Kimberly died as a result of the injuries caused by the attack.*



*In 2005, Jennifer Huard (26) and her brother Jeremy "Jay" Huard (29) were shot and killed by Jennifer's ex-boyfriend. Jennifer had lived on and off with Kirkman for the past year and had recently left, after he tried to strangle her.*



*In 2009, Arlene Lopata-Houle (50) of Manchester, NH was strangled to death by her on and off boyfriend and was found dead in his apartment.*



*In 2009, Melissa "Missy" Charbonneau (29) was found dead outside her Manchester apartment. She was shot by her estranged husband, Jonathan Charbonneau, who then shot her father before killing himself. Jonathan had been arrested earlier that week for allegedly strangling and throwing Missy down a flight of stairs.*

NH Union Leader, November 5, 2009

## Strangulation: The deadliest of red flags

By KATHRYN MARCHOGG  
New Hampshire Union Leader

**MANCHESTER** — Two days before Jonathan C. Charbonneau Sr. shot and killed his wife, Melissa, he pushed her into a bedroom wall and threw her down the stairs.

He also strangled her.

That act alone — cutting off someone's breathing — is such an up-close and personal form of violence it is considered a top indicator that an abuser likely will kill.

"It is such a dangerous

act. People don't realize how lethal the act of strangulation is," said Amanda K. Grady, director of public policy for the New Hampshire Coalition Against Domestic and Sexual Violence.

So lethal, she said, that the coalition will propose a bill in the 2010 legislative session that would make strangulation a felony-level offense. While the proposed bill's language would apply to all strangulations, most occur within the context of domestic violence, Grady said.

"We are constantly trying to find ways to make the statutes more effective for victims to keep people free from violence," she said.

"Strangulation is just one of those absolute red flags," Grady added.

Two others are animal abuse and sexual violence that occurs within the context of domestic violence, she said.

"They are the biggest risk factors that we know of in terms of leading up to potential lethal events," she explained.

The proposed strangulation bill is the result of two years of study and consultation with the coalition's partners, including victims and law enforcement, she said.

The president of the New Hampshire Association of Chiefs of Police said his agency supports making strangulation a felony.

"The whole issue of strangulation and attacks to that area of a person are missed in domestic violence cases very often," president David Dubois said.

<sup>iii</sup> The State of New Hampshire: Governor's Commission on Domestic and Sexual Violence. Domestic Violence Fatality Review Committee, 7<sup>th</sup> Annual Report (May 2009).

### Strangulation Laws

Compiled by the National Center for Prosecution of Child Abuse in 2007

State	Specification	Text
<p><b>Alaska</b></p>	<p>Under HB 219, all assaults involving strangulation or suffocation will be prosecuted as felonies. Specifically, the bill defines as a "dangerous instrument" hands or objects used to strangle or suffocate a person. Under previous law, strangulation was prosecuted as a felony if serious physical injury was proven. Many cases were tried as misdemeanors if there were no bruises or other physical evidence, especially in domestic violence cases.</p>	<p>ALASKA 24TH LEGISLATURE -- FIRST SESSION</p> <p>CHAPTER NO. 20</p> <p>HOUSE BILL 219</p> <p><i>2005 AK. ALS 20; 2005 AK. Sess. Laws 20; 2005 AK. Ch. 20; 2005 AK. HB 219</i></p> <p>BILL TRACKING SUMMARY FOR THIS DOCUMENT</p> <p><b>SYNOPSIS:</b> AN ACT Relating to the definition of "dangerous instrument" as applied within the criminal code.</p> <p><b>NOTICE:</b> [A&gt; UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED &lt;A]</p> <p>[*1] Section 1. AS 11.81.900(b)(15) is amended to read:</p> <p>(15) "dangerous instrument" means</p> <p>[A&gt; (A) &lt;A] any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury [A&gt; ; OR &lt;A]</p> <p>[A&gt; (B) HANDS OR OTHER OBJECTS WHEN USED TO IMPEDE NORMAL BREATHING OR CIRCULATION OF BLOOD BY APPLYING PRESSURE ON THE THROAT OR NECK OR OBSTRUCTING THE NOSE OR MOUTH &lt;A] ;</p> <p><b>HISTORY:</b> Approved by the Governor May 17, 2005</p> <p>Effective date: August 15, 2005</p> <p><b>SPONSOR:</b> Hawker</p>

<b>Strangulation Laws</b>		
<i>Compiled by the National Center for Prosecution of Child Abuse in 2007</i>		
<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Alaska (cont.)</b>		<p>TITLE 11. CRIMINAL LAW CHAPTER 81. GENERAL PROVISIONS ARTICLE 6. DEFINITIONS</p> <p>Alaska Stat. § 11.81.900 (2007)</p> <p>Sec. 11.81.900. Definitions (b) In this title, unless otherwise specified or unless the context requires otherwise,</p> <p>(15) "dangerous instrument" means</p> <p>(A) any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury; or</p> <p>(B) hands or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth;</p> <p><b><u>CASE LAW:</u></b> <b>Ross v. State, 2006 Alas. App. LEXIS 41</b> (evidence was sufficient to establish that defendant used a dangerous instrument, as the State presented evidence that defendant used his arm to choke the victim so that she could not breathe and actually lost consciousness for a time.)</p> <p><b>Kammeyer v. State, 2005 Alas. App. LEXIS 89</b> (Evidence presented at trial sufficient to prove that D's hands were a dangerous instrument. The victim testified that defendant choked him with such force that he could not breathe, that his nose started to bleed, and that it felt as if his face was "swollen.")</p>

### Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
<b>Connecticut</b>	<p>Felony – Strangulation in the first degree</p> <p>Misdemeanor – Strangulation in the third degree</p>	<p>C.G.S.A. § 53a-64aa Connecticut General Statutes Annotated Title 53A. Penal Code</p> <p>Chapter 952. Penal Code: Offenses</p> <p>Part V. Assault and Related Offenses</p> <p><b>§ 53a-64aa. Strangulation in the first degree: Class C felony</b></p> <p>(a) A person is guilty of <b>strangulation</b> in the first degree when such person commits <b>strangulation</b> in the second degree as provided in section 53a-64bb and (1) in the commission of such offense, such person</p> <p>(A) uses or attempts to use a dangerous instrument, or</p> <p>(B) causes serious physical injury to such other person, or</p> <p>(2) such person has previously been convicted of a violation of this section or section 53a-64bb.</p> <p>(b) No person shall be found guilty of <b>strangulation</b> in the first degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.</p> <p>(c) <b>Strangulation</b> in the first degree is a class C felony.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Connecticut (Cont.)		<p><b>§ 53a-64cc. Strangulation in the third degree: Class A misdemeanor</b></p> <p>(a) A person is guilty of <b>strangulation</b> in the third degree when such person recklessly restrains another person by the neck or throat and impedes the ability of such other person to breathe or restricts blood circulation of such other person.</p> <p>(b) No person shall be found guilty of <b>strangulation</b> in the third degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.</p> <p>(c) <b>Strangulation</b> in the third degree is a class A misdemeanor.</p> <p>Current through the 2008 Supplement to the Connecticut General Statutes, and amendments to, and repeals of, existing classified sections of the Connecticut General Statutes by all Public Acts of the 2008 January Special Session.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Florida	Felony	<p>TITLE 46. CRIMES (Chs. 775-896)            CHAPTER 784. ASSAULT; BATTERY; CULPABLE NEGLIGENCE            Fla. Stat. § 784.041 (2008) Felony battery; domestic battery by <b>strangulation</b></p> <p>(1) A person commits felony battery if he or she:</p> <p style="padding-left: 40px;">(a) Actually and intentionally touches or strikes another person against the will of the other; and</p> <p style="padding-left: 40px;">(b) Causes great bodily harm, permanent disability, or permanent disfigurement.</p> <p>(2) (a) A person commits domestic battery by <b>strangulation</b> if the person knowingly and intentionally, against the will of another, impedes the normal breathing or circulation of the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. This paragraph does not apply to any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.</p> <p style="padding-left: 40px;">(b) As used in this subsection, the term:</p> <p style="padding-left: 80px;">(1) "Family or household member" has the same meaning as in <u>s. 741.28</u>.</p> <p style="padding-left: 80px;">(2) "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.</p> <p style="padding-left: 80px;">(3) A person who commits felony battery or domestic battery by <b>strangulation</b> commits a felony of the third degree, punishable as provided in <u>s. 775.082</u>, <u>s. 775.083</u>, or <u>s. 775.084</u>.</p> <p><b>History:</b> <u>s. 1, ch. 97-183</u>; <u>s. 1, ch. 2007-133, eff. Oct. 1, 2007</u>.</p> <p><b>NOTES:</b></p> <p>AMENDMENTS            The 2007 amendment by s. 1, ch. 2007-133, effective October 1, 2007, added "domestic battery by <b>strangulation</b>" in the section heading; added present (2) and redesignated former (2) as present (3); and in present (3) inserted "or domestic battery by <b>strangulation</b>."</p>

## Strangulation Laws

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State	Specification	Text
<b>Hawaii</b>	Felony	<p>DIVISION 5. CRIMES AND CRIMINAL PROCEEDINGS            TITLE 37 Hawaii Penal Code            CHAPTER 709 Offenses Against the Family and Against Incompetents</p> <p>HRS § 709-906 (2006)</p> <p><b>§ 709-906. Abuse of family or household members; penalty.</b></p> <p>(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.</p> <p>For the purposes of this section, "family or household member" means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.</p> <p>(8) Where the physical abuse consists of intentionally or knowingly impeding the normal breathing or circulation of the blood of the family or household member by applying pressure on the throat or the neck, abuse of a family or household member is a class C felony.</p>

### Strangulation Laws

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<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Idaho</b>	Felony	<p>TITLE 18 CRIMES AND PUNISHMENTS CHAPTER 9 ASSAULT AND BATTERY</p> <p>Idaho Code § 18-923 (2006)</p> <p><b>§ 18-923. Attempted strangulation</b></p> <p>(1) Any person who willfully and unlawfully chokes or attempts to strangle a household member, or a person with whom he or she has or had a dating relationship, is guilty of a felony punishable by incarceration for up to fifteen (15) years in the state prison.</p> <p>(2) No injuries are required to prove attempted strangulation.</p> <p>(3) The prosecution is not required to show that the defendant intended to kill or injure the victim. The only intent required is the intent to choke or attempt to strangle.</p> <p>(4) "Household member" assumes the same definition as set forth in <u>section 18-918(1)(a), Idaho Code.</u></p> <p>(5) "Dating relationship" assumes the same definition as set forth in <u>section 39-6303(2), Idaho Code.</u></p> <p><b>HISTORY:</b> I.C., § 18-923, as added by 2005, ch. 303, § 1, p. 950.</p> <p><b>NOTES:</b> COMPILER'S NOTES. Section 2 of S.L. 2005, ch. 303 declared an emergency. Approved April 6, 2005.</p>



## Strangulation Laws

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State	Specification	Text
<b>Illinois</b>	Strangulation is an issue to be considered in bail determination	<p>West's Smith-Hurd Illinois Compiled Statutes Annotated            Chapter 725. Criminal Procedure            Act 5. Code of Criminal Procedure of 1963  <u>Title III. Proceedings After Arrest</u>  <u>Article 110. Bail</u>  <b>5/110-5.1. Bail; certain persons charged with violent crimes against family or household members</b></p> <p>(a) Subject to subsection (c), a person who is charged with a violent crime shall appear before the court for the setting of bail if the alleged victim was a family or household member at the time of the alleged offense, and if any of the following applies:</p> <p>(1) the person charged, at the time of the alleged offense, was subject to the terms of an order of protection issued under Section 112A-14 of this Code or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under Section 12-30 of the Criminal Code of 1961 or a violent crime if the victim was a family or household member at the time of the offense or a violation of a substantially similar municipal ordinance or law of this or any other state or the United States if the victim was a family or household member at the time of the offense;</p>

### Strangulation Laws

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State	Specification	Text
Illinois (Cont.)		<p>(b) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstances considered by the court, before setting bail for a person who appears before the court pursuant to subsection (a):</p> <ul style="list-style-type: none"><li>(1) whether the person has a history of domestic violence or a history of other violent acts;</li><li>(2) the mental health of the person;</li><li>(3) whether the person has a history of violating the orders of any court or governmental entity;</li><li>(4) whether the person is potentially a threat to any other person;</li><li>(5) whether the person has access to deadly weapons or a history of using deadly weapons;</li><li>(6) whether the person has a history of abusing alcohol or any controlled substance; substance;</li><li>(7) the severity of the alleged violence that is the basis of the alleged offense, including, but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, <b>strangulation</b>, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim</li></ul>

## Strangulation Laws

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State	Specification	Text
Indiana	Felony	<p>Title 35 Criminal Law and Procedure            Article 42 Offenses Against the Person            Chapter 2 Battery and Related Offenses</p> <p>Burns Ind. Code Ann. § 35-42-2-9 (2006)</p> <p><b>35-42-2-9. Strangulation.</b></p> <p>(a) This section does not apply to a medical procedure.</p> <p>(b) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:</p> <p style="padding-left: 40px;">(1) applies pressure to the throat or neck of another person; or</p> <p style="padding-left: 40px;">(2) obstructs the nose or mouth of the another person;            in a manner that impedes the normal breathing or the blood circulation of the other person commits <b>strangulation</b>, a Class D felony.</p> <p><b>HISTORY:</b> P.L.129-2006, § 2.</p> <p><b>NOTES:</b>  <b>Effective Dates.</b>            P.L.129-2006, § 2. July 1, 2006.</p>

## Strangulation Laws

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State	Specification	Text
Louisiana	Imprisonment at hard labor for not more than three years.	<p style="text-align: center;">LOUISIANA 2007 REGULAR LEGISLATIVE SESSION ACT 101 HOUSE BILL NO. 519 2007 La. ALS 101; 2007 La. ACT 101; 2007 La. HB 519</p> <p><b>SYNOPSIS:</b> AN ACT To enact R.S. 14:35.3(B)(3) and (L), relative to domestic abuse battery; to provide for criminal penalties for domestic abuse battery when the battery involves <b>strangulation</b>; to provide for definitions; and to provide for related matters.</p> <p><b>NOTICE:</b> [A&gt; UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED &lt;A]</p> <p>-----</p> <p>To view the next section, type .np* TRANSMIT. To view a specific section, transmit p* and the section number. e.g. p*1</p> <p>-----</p> <p>Be it enacted by the Legislature of Louisiana: [*1] Section 1. R.S. 14:35.3(B)(3) and (L) are hereby enacted to read as follows: Section 35.3. Domestic abuse battery * * *</p> <p>B. For purposes of this Section: * * *</p> <p>[A&gt; (3) "<b>STRANGULATION</b>" MEANS INTENTIONALLY IMPEDING THE NORMAL BREATHING OR CIRCULATION OF THE BLOOD BY APPLYING PRESSURE ON THE THROAT OR NECK OR BY BLOCKING THE NOSE OR MOUTH OF THE VICTIM. &lt;A]</p> <p style="text-align: center;">* * *</p> <p>[A&gt; L. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE DOMESTIC ABUSE BATTERY INVOLVES <b>STRANGULATION</b>, THE OFFENDER SHALL BE IMPRISONED AT HARD LABOR FOR NOT MORE THAN THREE YEARS. &lt;A]</p> <p><b>HISTORY:</b> Approved by the Governor June 22, 2007</p> <p><b>SPONSOR:</b> Guillory E</p>

<b>Strangulation Laws</b>		
<i>Compiled by the National Center for Prosecution of Child Abuse in 2007</i>		
<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maryland</b>	Element of rape in the first degree	<p>TITLE 3. OTHER CRIMES AGAINST THE PERSON  SUBTITLE 3. SEXUAL CRIMES</p> <p>Md. CRIMINAL LAW Code Ann. § 3-303 (2006)</p> <p><b>§ 3-303. Rape in the first degree</b></p> <p>(a) Prohibited. -- A person may not:</p> <p>(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and</p> <p>(2) (i) suffocate, <b>strangle</b>, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</p> <p>(ii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, <b>strangulation</b>, disfigurement, serious physical injury, or kidnapping;</p>

## Strangulation Laws

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State	Specification	Text
<b>Maryland (Cont.)</b>	Element of sexual offense in the first degree	<p>Md. CRIMINAL LAW Code Ann. § 3-305 (2006)</p> <p><b>§ 3-305. Sexual offense in the first degree</b></p> <p>(a) Prohibited. -- A person may not:</p> <p>(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and</p> <p>(2)(ii) suffocate, <b>strangle</b>, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</p> <p>(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, <b>strangulation</b>, disfigurement, serious physical injury, or kidnapping;</p>

<b>Strangulation Laws</b>		
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<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maryland (Cont.)</b>	Element of sexual offense in the third degree	<p style="text-align: right;">Md. CRIMINAL LAW Code Ann. § 3-307 (2006)</p> <p><b>§ 3-307. Sexual offense in the third degree</b>            (a) Prohibited. -- A person may not:</p> <p style="padding-left: 2em;">(1) (i) engage in sexual contact with another without the consent of the other; and</p> <p style="padding-left: 2em;">(ii) 2. suffocate, <b>strangle</b>, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</p> <p style="padding-left: 2em;">3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, <b>strangulation</b>, disfigurement, serious physical injury, or kidnapping;</p>

## Strangulation Laws

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State	Specification	Text
Massachusetts	Attempted murder by strangling is a felony	<p>PART IV Crimes, Punishments and Proceedings in Criminal Cases            TITLE I Crimes and Punishments            CHAPTER 265 Crimes Against the Person</p> <p>ALM GL ch. 265, § 16 (2006)</p> <p><b>§ 16. Attempt to Murder by Poisoning, Drowning or Strangling.</b></p> <p>Whoever attempts to commit murder by poisoning, drowning or strangling another person, or by any means not constituting an assault with intent to commit murder, shall be punished by imprisonment in the state prison for not more than twenty years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two and one half years.</p> <p><b><u>CASES:</u></b>            Evidence that defendant brutally beat 5-year-old girl and put his hands around her neck, with thumbs in front of her neck, that there were abrasions on her neck and that he repeatedly struck her head against rock fracturing her skull and concussing her brain warranted influence that he intended to strangle her and to kill her. <u>Commonwealth v Grogan (1981) 11 Mass App 684, 418 NE2d 1276.</u></p> <p>Assault and battery is not necessarily lesser included offense within crime of attempted murder by strangulation, because there is possibility of attempted murder by strangulation without physical touching. <u>Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</u></p> <p>Overt act required for attempted murder by strangling need not in all cases be strangling. <u>Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</u></p> <p>While strangling or choking, manually or by ligature, usually constitutes overt act required for attempted murder by strangulation, it is possible for act to occur when plainly imminent strangulation is interrupted by external event. <u>Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</u></p> <p>Simple assault is lesser included offense within attempted murder by strangulation, because commission of overt act intended to cause death by strangulation which comes very close to accomplishment necessarily is attempt to commit battery. <u>Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</u></p>



<b>Strangulation Laws</b>		
<i>Compiled by the National Center for Prosecution of Child Abuse in 2007</i>		
<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Michigan</b>	Attempt to murder by strangulation is a felony	<p>CHAPTER 750 MICHIGAN PENAL CODE            THE MICHIGAN PENAL CODE            CHAPTER XII. ATTEMPTS</p> <p>MCLS § 750.91 (2006)</p> <p>MCL § 750.91</p> <p>§ 750.91. Attempt to murder.</p> <p>Sec. 91. Attempt to murder by poisoning, etc.-Any person who shall attempt to commit the crime of murder by poisoning, drowning, or <b>strangling</b> another person, or by any means not constituting the crime of assault with intent to murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years.</p> <p><b>HISTORY:</b> Act 328, 1931, p 624; eff September 18, 1931.</p>

## Strangulation Laws

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State	Specification	Text
Minnesota	Felony	<p>CHAPTER 609 CRIMINAL CODE CRIMES AGAINST THE PERSON</p> <p>Minn. Stat. § 609.2247 (2005)</p> <p><b>609.2247 Domestic assault by strangulation</b></p> <p>Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.</p> <p>(b) "Family or household members" has the meaning given in section 518B.01, subdivision 2.</p> <p>(c) "Strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.</p> <p>Subd. 2. Crime. Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$ 5,000, or both.</p> <p><b>History:</b></p> <p><i>2005 c 136 art 17 s 13</i></p> <p><b><u>CASE LAW:</u></b> <b>State v. Truong, 2006 Minn. App. Unpub. LEXIS 1372</b></p>

## Strangulation Laws

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State	Specification	Text
Missouri	Felony	<p>TITLE 38. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS (Chs. 556-600)            CHAPTER 565. OFFENSES AGAINST THE PERSON</p> <p>§ 565.073 R.S.Mo. (2006)</p> <p><b>§ 565.073. Domestic assault, second degree--penalty</b></p> <p>1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in <u>section 455.010, RSMo</u>, and he or she:</p> <p>(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or</p> <p>(2) Recklessly causes serious physical injury to such family or household member; or</p> <p>(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.</p> <p>2. Domestic assault in the second degree is a class C felony.</p> <p><b>History:</b>  <u>L. 2000 H.B. 1677, et al.</u></p> <p><b>CASE LAW:</b>            Defendant's convictions of two counts of first-degree domestic assault and three counts of second-degree domestic assault were affirmed because each of defendant's five violent acts toward his girlfriend constituted a separate offense; thus, he was not subjected to multiple punishments for a single offense and no double jeopardy violation occurred. <u>State v. Tyler, 196 S.W.3d 638, 2006 Mo. App. LEXIS 812 (Mo. Ct. App. 2006).</u></p> <p>Trial court did not err in accepting a jury's verdict of guilty to a charge against defendant of domestic assault in the second degree, in violation of <u>Mo. Rev. Stat. § 565.073</u>, because the State had shown that defendant knowingly caused criminally recognizable physical injury to the victim, his estranged wife, pursuant to <u>Mo. Rev. Stat. § 562.016.3</u>. The jury could have</p>

<b>Strangulation Laws</b>		
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<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Nebraska</b>	Felony	<p>CHAPTER 28. CRIMES AND PUNISHMENTS  ARTICLE 3. OFFENSES AGAINST THE PERSON  (a) GENERAL PROVISIONS</p> <p>R.R.S. Neb. § 28-310.01 (2006)</p> <p><b>§ 28-310.01. Strangulation; penalty; affirmative defense</b></p> <p>(1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person.</p> <p>(2) Except as provided in subsection (3) of this section, strangulation is a Class IV felony.</p> <p>(3) Strangulation is a Class III felony if:</p> <p style="padding-left: 40px;">(a) The person used or attempted to use a dangerous instrument while committing the offense;</p> <p style="padding-left: 40px;">(b) The person caused serious bodily injury to the other person while committing the offense;  or</p> <p style="padding-left: 40px;">(c) The person has been previously convicted of strangulation.</p> <p>(4) It is an affirmative defense that an act constituting strangulation was the result of a legitimate medical procedure.</p> <p><b>HISTORY:</b> Laws 2004, LB 943, § 2.</p> <p><b>NOTES:</b>  EFFECTIVE DATE: April 16, 2004.</p>

## Strangulation Laws

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State	Specification	Text
North Carolina	Felony	<p>CHAPTER 14. CRIMINAL LAW  SUBCHAPTER 03. OFFENSES AGAINST THE PERSON  ARTICLE 8. ASSAULTS</p> <p>N.C. Gen. Stat. § 14-32.4 (2006)</p> <p><b>§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.</b></p> <p>(a) Unless the conduct is covered under some other provision of law providing greater punishment, any person who assaults another person and inflicts serious bodily injury is guilty of a Class F felony. "Serious bodily injury" is defined as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.</p> <p>(b) Unless the conduct is covered under some other provision of law providing greater punishment, any person who assaults another person and inflicts physical injury by strangulation is guilty of a Class H felony.</p> <p><b>HISTORY:</b> <u>1996, 2nd Ex. Sess., c. 18, s. 20.13(a); 2004-186, s. 9.1.</u></p> <p><b>NOTES:</b>  EFFECT OF AMENDMENTS. --Session Laws <u>2004-186, s. 9.1</u>, effective December 1, 2004, and applicable to offenses committed on or after that date, added subsection (b) and designated the previously existing provisions as subsection (a); and rewrote the section heading, which formerly read "Assault inflicting serious bodily injury."</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
North Carolina (Cont.)		<p><b>CASE LAW:</b>            WHAT IS SERIOUS BODILY INJURY. --Proof of "serious bodily injury" requires proof of a more severe injury than the "serious injury" element of other assault offenses. <u>State v. Williams, 150 N.C. App. 497, 563 S.E.2d 616 (2002).</u></p> <p>"SERIOUS BODILY INJURY" UPON A LAW ENFORCEMENT OFFICER. --<u>G.S. 14-34.7</u> was ambiguous because the statute's title referred to assaults inflicting "serious injury" while the statute text specified assaults inflicting "serious bodily injury" -- under North Carolina law, the terms "serious injury" and "serious bodily injury" were not interchangeable; however, when interpreting ambiguous statutes, the principal goal is to effectuate the purpose of the legislature, and the "manifest purpose" of the legislature in enacting <u>G.S. 14-34.7</u> was to make an assault inflicting "serious injury" or "serious bodily injury" against a law enforcement officer a felony. <u>State v. Crawford, 167 N.C. App. 777, 606 S.E.2d 375 (2005)</u>, cert. denied, <u>359 N.C. 412, 612 S.E.2d 324 (2005).</u></p> <p>SERIOUS BODILY INJURY SHOWN. --Evidence that the victim had to have his jaw wired shut for two months, causing him to lose a great deal of weight, and that he continued to suffer from back spasms as a result of two broken ribs, all as a result of his assault, was sufficient evidence of "serious bodily injury." <u>State v. Williams, 150 N.C. App. 497, 563 S.E.2d 616 (2002).</u></p> <p>Evidence that defendant struck eight-year-old daughter on the buttocks with a board multiple times while disciplining her and that the blows caused a large bruise that was crusted around the outside, had a spot near the middle that was open and oozing, and was painful to the touch was sufficient for a jury to reasonably infer that defendant caused great pain and suffering, and the trial court did not err by denying defendant's motion to dismiss charges of felonious child abuse, in violation of <u>G.S. 14-318.4(a)</u>, and felonious assault inflicting serious bodily injury, in violation of <u>G.S. 14-32.4</u>. <u>State v. Williams, 154 N.C. App. 176, 571 S.E.2d 619 (2002).</u></p> <p>Evidence was sufficient to support defendants' convictions for assault inflicting serious bodily injury where the victim testified that his facial injuries were "very" painful, and that he suffered pain for about a month, and a doctor testified that the injuries suffered by the victim were the type that caused "severe" and "extreme" pain. <u>State v. Brown, -- N.C. App. --, 628 S.E.2d 787 (2006).</u></p> <p>LESSER INCLUDED OFFENSE. --As assault inflicting serious bodily injury is not a lesser included offense of assault with a deadly weapon with intent to kill and inflict serious injury, the trial court committed reversible error in submitting the former to the jury. <u>State v. Hannah, 149 N.C. App. 713, 563 S.E.2d 1 (2002)</u>, cert. denied, <u>355 N.C. 754, 566 S.E.2d 81 (2002).</u></p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
<b>North Carolina (Cont.)</b>		<p><b>CASE LAW (Cont.)</b></p> <p>PROSECUTION UNDER <u>G.S. 14-32</u> AND THIS SECTION DOUBLE JEOPARDY. --Defendant could not be convicted and sentenced for both assault with a deadly weapon with intent to kill inflicting serious injury, pursuant to <u>G.S. 14-32(b)</u>, and assault inflicting serious bodily injury, <u>G.S. 14-32.4</u>, for the same conduct without violating the double jeopardy provisions of the <u>United States and North Carolina Constitutions. State v. Ezell, 159 N.C. App. 103, 582 S.E.2d 679 (2003).</u></p> <p>Trial court violated defendant's right to be free of double jeopardy when it sentenced him for both assault with a deadly weapon inflicting serious injury under <u>G.S. 14-32(b)</u> and misdemeanor assault inflicting serious injury under <u>G.S. 14-33(c)(1)</u> based on an incident in which defendant punched his girlfriend into a wall and stabbed her multiple times in the arm and leg; because defendant's convictions under <u>G.S. 14-32(b)</u> provided for greater punishment than <u>G.S. 14-32.4</u> or <u>14-33(c)</u>, the trial court could not convict and sentence defendant under two statutes for the same conduct in each incident without violating the double jeopardy provisions of USCS Const. Amend. 5 and <u>N. C. Const. art. I, § 19. State v. McCoy, 174 N.C. App. 105, 620 S.E.2d 863 (2005).</u></p> <p>APPLIED in <u>State v. Wampler, 145 N.C. App. 127, 549 S.E.2d 563 (2001).</u></p> <p>CITED in <u>State v. Uvalle, 151 N.C. App. 446, 565 S.E.2d 727 (2002), cert. denied, 356 N.C. 692, 579 S.E.2d 95 (2003); State v. Lowe, 154 N.C. App. 607, 572 S.E.2d 850 (2002).</u></p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Ohio	Used in consideration of bail determination	<p>Baldwin's Ohio Revised Code Annotated</p> <p>Title XXIX. Crimes--Procedure</p> <p><u>Chapter 2919. Offenses Against The Family Domestic Violence</u>  <b>2919.251 Factors to be considered when setting bail; bail schedule; appearance by video conferencing equipment</b></p> <p>(A) Subject to division (D) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense and if any of the following applies:</p> <p>(B) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstances considered by the court and notwithstanding any provisions to the contrary contained in <u>Criminal Rule 46</u>, before setting bail for a person who appears before the court pursuant to division (A) of this section:</p> <p>(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, <b>strangulation</b>, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;</p>



## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Oklahoma	Felony	<p>TITLE 21. CRIMES AND PUNISHMENTS PART III. CRIMES AGAINST THE PERSON CHAPTER 20. ASSAULT AND BATTERY</p> <p>21 Okl. St. § 644 (2006)</p> <p><b>§ 644. Assault--Assault and battery--Domestic abuse</b></p> <p>H. Any person who commits any assault and battery with intent to cause great bodily harm by strangulation or attempted strangulation against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by <u>Section 60.1 of Title 22 of the Oklahoma Statutes</u>, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars (\$ 20,000.00), or by both such fine and imprisonment. As used in this subsection, "strangulation" means a form of asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Oregon	Misdemeanor	<p>TITLE 16. CRIMES AND PUNISHMENTS CHAPTER 163. OFFENSES AGAINST PERSONS ASSAULT AND RELATED OFFENSES</p> <p>ORS § 163.187 (2006)</p> <p><b>163.187. Strangulation.</b></p> <p>(1) A person commits the crime of strangulation if the person knowingly impedes the normal breathing or circulation of the blood of another person by:</p> <p>(a) Applying pressure on the throat or neck of the other person; or</p> <p>(b) Blocking the nose or mouth of the other person.(2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or good faith practices of a religious belief.</p> <p>(3) Strangulation is a Class A misdemeanor.</p> <p><b>History:</b></p> <p>2003 c.577 § 2</p> <p><b>NOTES:</b> 163.187 was added to and made a part of 163.160 to 163.208 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.</p> <p><b>CASE LAW:</b> <b>State v. Lazaro-Martinez, 207 Ore. App. 526 (2006)</b> (Inapplicable appeals case that merely mentions defendant was convicted of strangulation under the statute in addition to other assault charges.)</p>

**Strangulation Laws**  
*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Virginia	Felony	<p>Title 18.2. Crimes and Offenses Generally            Chapter 4. Crimes Against The Person            Article 5. Robbery  <b>Va. Code Ann. § 18.2-58.1. Carjacking; penalty</b></p> <p>A. Any person who commits carjacking, as herein defined, shall be guilty of a <b>felony</b> punishable by imprisonment for life or a term not less than fifteen years.</p> <p>B. As used in this section, "carjacking" means the intentional seizure or seizure of control of a motor vehicle of another with intent to permanently or temporarily deprive another in possession or control of the vehicle of that possession or control by means of partial <b>strangulation</b>, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever. "Motor vehicle" shall have the same meaning as set forth in § 46.2-100.</p> <p>Title 18.2. Crimes and Offenses Generally            Chapter 4. Crimes Against The Person            Article 5. Robbery  <b>§ 18.2-58. How punished</b></p> <p>If any person commit robbery by partial <b>strangulation</b>, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, he shall be guilty of a <b>felony</b> and shall be punished by confinement in a state correctional facility for life or any term not less than five years.</p>

### Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Washington	Felony	<p>West's RCWA 9A.04.110    West's Revised Code of Washington Annotated</p> <p>Title 9A. Washington Criminal Code</p> <p>Chapter 9A.04. Preliminary Article</p> <p><b>9A.04.110. Definitions</b>            (26) "<b>Strangulation</b>" means to compress a person's neck, thereby obstructing the person's blood flow or ability to breathe, or doing so with the intent to obstruct the person's blood flow or ability to breathe;            2007 Legislation    Laws 2007, ch. 79, § 3 inserted the definition of "<b>Strangulation</b>" and redesignated subsequent definitions.    Laws 2007, ch. 79, § 1 provides:    "The legislature finds that assault by <b>strangulation</b> may result in immobilization of a victim, may cause a loss of consciousness, injury, or even death, and has been a factor in a significant number of domestic violence related assaults and fatalities. While not limited to acts of assault against an intimate partner, assault by <b>strangulation</b> is often knowingly inflicted upon an intimate partner with the intent to commit physical injury, or substantial or great bodily harm. <b>Strangulation</b> is one of the most lethal forms of domestic violence. The particular cruelty of this offense and its potential effects upon a victim both physically and psychologically, merit its categorization as a ranked felony offense under chapter 9A.36 RCW."</p> <p>TITLE 9A. WASHINGTON CRIMINAL CODE            CHAPTER 9A.36. ASSAULT -- PHYSICAL HARM            Rev. Code Wash. (ARCW) § 9A.36.021 (2008)</p> <p>§ 9A.36.021. Assault in the second degree</p> <p>(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:</p> <p>(a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or</p>

**Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
<p><b>Washington (Cont.)</b></p>		<p>(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or</p> <p>(c) Assaults another with a deadly weapon; or</p> <p>(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or</p> <p>(e) With intent to commit a felony, assaults another; or</p> <p>(f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture; or</p> <p>(g) Assaults another by <b>strangulation</b>.</p> <p>(2) (a) Except as provided in (b) of this subsection, assault in the second degree is a class B felony.</p> <p>(b) Assault in the second degree with a finding of sexual motivation under <u>RCW 9.94A.835</u> or <u>13.40.135</u> is a class A felony.</p> <p><b>HISTORY:</b></p> <p><u>2007 c 79 § 2</u>; <u>2003 c 53 § 64</u>; 2001 2nd sp.s. c 12 § 355; <u>1997 c 196 § 2</u>. Prior: 1988 c 266 § 2; 1988 c 206 § 916; 1988 c 158 § 2; 1987 c 324 § 2; 1986 c 257 § 5.</p> <p><b>NOTES:</b></p>

<b>Strangulation Laws</b> <i>Compiled by the National Center for Prosecution of Child Abuse in 2007</i>		
State	Specification	Text
<b>Washington (Cont.)</b>		<p>FINDING -- <u>2007 C 79</u>: "The legislature finds that assault by <b>strangulation</b> may result in immobilization of a victim, may cause a loss of consciousness, injury, or even death, and has been a factor in a significant number of domestic violence related assaults and fatalities. While not limited to acts of assault against an intimate partner, assault by <b>strangulation</b> is often knowingly inflicted upon an intimate partner with the intent to commit physical injury, or substantial or great bodily harm. <b>Strangulation</b> is one of the most lethal forms of domestic violence. The particular cruelty of this offense and its potential effects upon a victim both physically and psychologically, merit its categorization as a ranked felony offense under chapter 9A.36 RCW." [<u>2007 c 79 § 1.</u>]</p>
<b>West Virginia</b>	<p>When used during a robbery or attempted robbery, the person is guilty of robbery in the first degree.</p> <p>Imprisoned for not less than 10 years</p>	<p>Chapter 61. Crimes and Their Punishment</p> <p><u>Article 2. Crimes Against The Person (Refs &amp; Annos)</u></p> <p><b>§ 61-2-12. Robbery or attempted robbery; penalties</b></p> <p>(a) Any person who commits or attempts to commit robbery by:</p> <p>(1) Committing violence to the person, including, but not limited to, partial <b>strangulation</b> or suffocation or by striking or beating; or</p> <p>(2) uses the threat of deadly force by the presenting of a firearm or other deadly weapon, is guilty of robbery in the first degree and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than ten years.</p>

### Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Wisconsin	Felony	<p style="text-align: center;">WISCONSIN 98TH LEGISLATIVE SESSION -- 2007-08 REGULAR SESSION</p> <p style="text-align: center;">2007 WISCONSIN ACT 127</p> <p style="text-align: center;">SENATE BILL 260</p> <p>2007 Wis. ALS 127; 2007 Wis. Act 127; 2007 Wis. Laws 127; 2007 Wis. SB 260</p> <p><b>SYNOPSIS:</b> AN ACT to amend 939.22 (10), 939.22 (38), 939.632 (1) (e) 1. and 973.055 (1) (a) 1.; and to create 939.22 (23) and 940.235 of the statutes; relating to: <b>strangulation</b> and suffocation, and providing a penalty.</p> <p><b>NOTICE:</b> [A&gt; UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED &lt;A]</p> <p>-----</p> <p>To view the next section, type .np* TRANSMIT. To view a specific section, transmit p* and the section number. e.g. p*1</p> <p>-----</p> <p>The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:</p> <p><b>[*1]</b> SECTION 1. 939.22 (10) of the statutes is amended to read:</p> <p>939.22 (10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; <b>[A&gt;</b> ANY LIGATURE OR OTHER INSTRUMENTALITY USED ON THE THROAT, NECK, NOSE, OR MOUTH OF ANOTHER PERSON TO IMPEDE, PARTIALLY OR COMPLETELY, BREATHING OR CIRCULATION OF BLOOD; <b>&lt;A]</b> any electric weapon, as defined in Section 941.295 (4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.</p>

**Strangulation Laws**  
*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
<b>Wisconsin (Cont.)</b>		<p><b>[*2]</b> SECTION 2. 939.22 (23) of the statutes is created to read:</p> <p>939.22 (23) "Petechia" means a minute colored spot that appears on the skin, eye, eyelid, or mucus membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.</p> <p><b>[*3]</b> SECTION 3. 939.22 (38) of the statutes is amended to read:</p> <p>939.22 (38) "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; <b>[A]</b> A PETECHIA; <b>&lt;A]</b> a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.</p> <p><b>[*4]</b> SECTION 4. 939.632 (1) (e) 1. of the statutes is amended to read:</p> <p>939.632 (1) (e) 1. Any felony under Section 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), <b>[A]</b> 940.235, <b>&lt;A]</b> 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.085, or 948.30 (2).</p> <p><b>[*5]</b> SECTION 5. 940.235 of the statutes is created to read:</p> <p>940.235 <b>Strangulation</b> and suffocation. (1) Whoever intentionally impedes the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person is guilty of a Class H felony.</p> <p>(2) Whoever violates sub. (1) is guilty of a Class G felony if the actor has a previous conviction under this section or a previous conviction for a violent crime, as defined in Section 939.632 (1) (e) 1.</p>



**Strangulation Laws**  
*Compiled by the National Center for Prosecution of Child Abuse in 2007*

State	Specification	Text
Wisconsin (Cont.)		<p><b>[*6]</b> SECTION 6. 973.055 (1) (a) 1. of the statutes is amended to read:</p> <p>973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified in Section 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21, 940.225, 940.23, <b>[A&gt;</b> 940.235, <b>&lt;A]</b> 940.285, 940.30, 260 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125 or of a municipal ordinance conforming to Section 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125; and</p> <p><b>HISTORY:</b>  DATE OF ENACTMENT: MARCH 20, 2008  DATE OF PUBLICATION: APRIL 3, 2008</p> <p><b>SPONSOR:</b>  Lassa</p>

PO Box 406  
Strafford, NH 03884  
603-817-0584

January 20, 2010

Mr. Chairman and members of the Committee:

I am here today to speak in support of HB1634. I live in Strafford and work as a full time detective with the Rochester Police Department and as a part-time paramedic with Frisbie Memorial hospital. I have been with the police department for 9 years and worked in Emergency Medical Services for 21 years. My specialty at the police department is investigating domestic violence cases. I have also received extensive specialty training by national experts on the topic of strangulation.

In my experience, I have responded to and investigated many cases involving non-fatal strangulation. In most of those cases there have been no external signs of trauma identified. Dr. Dean Hawley, a forensic pathologist in Indianapolis, wrote in an article in the Journal of Emergency Medicine that there are often no external signs of injury in fatal cases. This makes prosecution of the non-fatal cases at the felony level very difficult, as the injury that is occurring is internal.


In my experience as a paramedic, I have treated several patients that have reported being strangled. In many of these cases the patients report feeling lightheaded, dizzy or "fuzzy". These feelings are created by the anoxic death of brain cells. The restriction of blood flow that occurs when a person is strangled causes the brain to begin suffocating and this results in the death of brain cells. Once brain cells die they do not regenerate and a person can suffer permanent impairment as a result. Dr. George McClane reports in his article in the Journal of Emergency Medicine that mental status changes may be long term as a result of strangulation.

As a result of the lack of external visible injuries and the wording of our current statutes most of these cases cannot be prosecuted at the felony level. This in turn results in offenders not being held accountable for a potentially lethal act and further endangers victims. Many other states have passed legislation similar to HB1634 and have seen increased awareness about the potential lethality of strangulation, increased victim safety and are holding offenders accountable.

Strangulation is a life-threatening event that should be treated as such by our statutes. When a person is strangled there are often no external signs of injury, but make no mistake there are internal injuries. We must send a clear message that strangulation is serious and will not be tolerated in New Hampshire. I urge you to consider voting in favor of HB1634.

Thank you for your time and consideration of this important legislation.

Sincerely,



Robert E. Frechette

"It's the fastest way to re-  
establish control over your woman."

"No better way to get her  
full attention, especially when  
she realizes I could end her life  
in a snap, literally."

"The look of terror in her face is such  
a risk, she can't help but look at you.  
You're right there."

"You know what I did? I told her I would  
give her the orgasm of a lifetime. I put my  
hands around her throat and told her to relax.  
Then I gave her what she wanted, but when  
I didn't let go, the look of fear was awesome.  
And who is she going to tell?"

C

C

C

C

"It's the fastest way I know to  
shut down hours of bitching"

"If it's legal to put a choke collar  
on your dog, you should be able to do this  
to your b-i-t-c-h. Great teaching tool."

"I would never really hurt her, but I  
want her to know that I could."

"Hey guys. Do this once (not even  
hard, but look like you mean it) and  
they'll do anything you want them to.  
No need to go hitting your old lady."

C

C

C

C

"Did you know that you can come this close to killing her and not leave a trace of evidence? How's that for the perfect crime?"

"If you're caught, you just tell them that she's into rough sex. It's not like there's a law against it."

"We call it 'the squeeze play.' In baseball, it's how to avoid getting tagged out. With your wife, it's how to avoid getting hooked up by the police."

A

A

A



"It's sign language for  
'you better not tell'."

"We call it, giving her the  
silent treatment, 'cause you  
can make sure she ain't talking  
afterward."

D

D

"Once I put my hands around my girlfriend's throat, I remember becoming GOD. I literally had her life in my own hands. Now that's addictive."

"Do you know how easy it is to kill someone that way?"

"One and done." (What do you mean?)

"One big squeeze and she's through."

E

E

E

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1634-FN

**BILL TITLE:** relative to assault by strangulation.

**DATE:** February 2, 2010

**LOB ROOM:** 204

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Beth Rodd

Seconded by Rep. Gene P. Charron

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

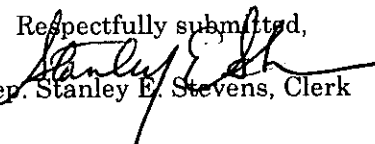
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
  
Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1634-FN

BILL TITLE: relative to assault by strangulation.

DATE: 2-2-10

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Rodd*

Seconded by Rep. *Charron*

Vote: *18-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *18-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk





# Committee Report

**CONSENT CALENDAR**

**February 4, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1634-FN,

AN ACT relative to assault by strangulation. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

**Rep. Beth Rodd**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>
Bill Number:	<b>HB1634-FN</b>
Title:	<b>relative to assault by strangulation.</b>
Date:	<b>February 4, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

The committee heard expert testimony from many agency representatives who work with domestic violence victims. Strangulation is a method of abuse favored by perpetrators because it can be lethal or non-lethal but leaves no physical evidence. It can cause a loss of consciousness, death of brain cells or death without being apparent. Abusers minimize the severity of a crime in which strangulation is used and victims are often unaware of how serious an abuse it is. Several witnesses stressed that the act of strangulation is an indication of a dangerous acceleration of abuse and is often a precursor to domestic violence fatalities.

Vote 18-0.

Rep. Beth Rodd  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB1634-FN**, relative to assault by strangulation. **OUGHT TO PASS.**

Rep. Beth Rodd for CRIMINAL JUSTICE AND PUBLIC SAFETY. The committee heard expert testimony from many agency representatives who work with domestic violence victims.

Strangulation is a method of abuse favored by perpetrators because it can be lethal or non-lethal but leaves no physical evidence. It can cause a loss of consciousness, death of brain cells or death without being apparent. Abusers minimize the severity of a crime in which strangulation is used and victims are often unaware of how serious an abuse it is. Several witnesses stressed that the act of strangulation is an indication of a dangerous acceleration of abuse and is often a precursor to domestic violence fatalities. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

HB 1634, OTP, 18-0, CONSENT CALENDAR, Rep. Beth Rodd

The committee heard expert testimony from many agency representatives who work with domestic violence victims. Strangulation is a method of abuse favored by perpetrators because it can be lethal or non-lethal but leaves no physical evidence. It can cause a loss of consciousness, death of brain cells or death without being apparent. Abusers minimize the severity of a crime in which strangulation is used and victims are often unaware of how serious an abuse it is. Several witnesses stressed that the act of strangulation is an indication of a dangerous acceleration of abuse and is often a precursor to domestic violence fatalities.

Rep. Beth Rodd  
For the Committee

HB 1634, OTP, 18-0, CONSENT CALENDAR, Rep. Beth Rodd

The committee heard expert testimony from many agency representatives who work with domestic violence victims. Strangulation is a method of abuse favored by perpetrators because it can be lethal or non-lethal but leaves no physical evidence. It can cause a loss of consciousness, death of brain cells or death without being apparent. Abusers minimize the severity of a crime in which strangulation is used and victims are often unaware of how serious an abuse it is. Several witnesses stressed that.

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