

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Alabama</b>	Class B felony	<p><b>Alabama Code 1975 § 13A-6-138 (2011). Domestic violence by strangulation or suffocation</b></p> <p>(a) For the purposes of this section, the following terms have the following meanings:</p> <ul style="list-style-type: none"> <li>(1) Qualified relationship. The victim is a spouse, former spouse, parent, stepparent, child, stepchild, or a person with whom the defendant has a child in common, or with whom the defendant has or had a dating or engagement relationship within 10 months preceding this event.</li> <li>(2) Strangulation. Intentionally causing asphyxia by closure or compression of the blood vessels or air passages of the neck as a result of external pressure on the neck.</li> <li>(3) Suffocation. Intentionally causing asphyxia by depriving a person of air or by preventing a person from breathing through the inhalation of toxic gases or by blocking or obstructing the airway of a person, by any means other than by strangulation as defined in this section.</li> </ul> <p>(b) A person commits the crime of domestic violence by strangulation or suffocation if the person commits an assault with intent to cause physical harm or commits the crime of menacing pursuant to Section 13A-6-23, by strangulation or suffocation or attempted strangulation or suffocation against a person with whom the defendant has a qualified relationship.</p> <p>(c) Domestic violence by strangulation or suffocation is a Class B felony punishable as provided by law.</p> <p><b>History:</b> Added by Act 2011-581, § 3.</p>
<b>Alabama (Cont.)</b>	Cause for a warrantless arrest	<p><b>Alabama Code 1975 § 13A-6-133 (2011). Arrest without warrant—Generally</b></p> <p>For the purposes of an arrest without a warrant pursuant to Section 15-10-3, the crimes of domestic violence in the first, second, and third degrees, and domestic violence by strangulation or suffocation shall be an offense involving domestic violence. A warrantless arrest for an offense involving domestic violence made pursuant to subdivision (8) of subsection (a) of Section 15-10-3, shall include a charge of a crime of domestic violence under this article.</p> <p><b>History:</b> "domestic violence by strangulation or suffocation" language added by Act 2011-581, § 1.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Alaska</b>		<p style="text-align: center;"><b>Alaska Stat. § 11.81.900(b)(15) (2011). Definitions</b></p> <p>(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 style="text-align: center;"><b>Case Law</b></p> <p><b>Ross v. State, 2006 Alas. App. LEXIS 41 (March 8, 2006).</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 (August 17, 2005).</b> Evidence presented at trial sufficient to prove that Defendant'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>
<b>Arizona</b>	Class 3 felony.  If victim is less than 15 years of age, class 2 felony.	<p style="text-align: center;"><b>Ariz. Stat. § 13-1204(B)(1) (2011). Aggravated assault; classification; definition</b></p> <p>B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:</p> <ol style="list-style-type: none"> <li>1. The person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.</li> <li>2. Any of the circumstances exists that are set forth in § 13-3601, subsection A, paragraph 1, 2, 3, 4, 5, or 6.</li> </ol>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Arkansas</b>		<p style="text-align: center;"><b>Ark. Code §§ 12-18-103(3)(A)(vii)(c) &amp; (17) (2011). Definitions</b></p> <p>(3) (A) "Abuse" means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the child's welfare, but excluding the spouse of a minor:</p> <p style="text-align: center;">***</p> <p style="text-align: center;">(vii) Any of the following intentional or knowing acts, with or without physical injury:</p> <p style="text-align: center;">***</p> <p style="text-align: center;">(c) Interfering with a child's breathing.</p> <p style="text-align: center;">***</p> <p>(19) "Severe maltreatment" means sexual abuse, sexual exploitation, acts or omissions that may or do result in death, abuse involving the use of a deadly weapon as defined by § 5-1-102, bone fracture, internal injuries, burns, immersions, suffocation, abandonment, medical diagnosis of failure to thrive, or causing a substantial and observable change in the behavior or demeanor of the child.</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Connecticut</b>	Class C felony	<p><b>Conn. Gen. Stat. § 53a-64aa (2011). Strangulation in the first degree: Class C felony</b></p> <p>(a) A person is guilty of strangulation in the first degree when such person commits strangulation in the second degree as provided in section 53a-64bb and (1) in the commission of such offense, such person (A) uses or attempts to use a dangerous instrument, or (B) causes serious physical injury to such other person, or (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 strangulation 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) Strangulation in the first degree is a class C felony.</p> <p><b>History:</b> The 2008 Supplement to the Connecticut General Statutes codified 2007, P.A. 07-123, § 8, as C.G.S.A. § 53a-64aa.</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Connecticut (Cont.)</b>	Class D felony	<p><b>Conn. Gen. Stat. § 53a-64bb (2011). Strangulation in the second degree: Class D felony</b></p> <p>(a) A person is guilty of strangulation in the second degree when such person restrains another person by the neck or throat with the intent to impede the ability of such other person to breathe or restrict blood circulation of such other person and such person 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 strangulation in the second 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) Strangulation in the second degree is a class D felony.</p> <p><b>History:</b> The 2008 Supplement to the Connecticut General Statutes codified 2007, P.A. 07-123, § 9, as C.G.S.A. § 53a-64bb.</p> <p><b>Current:</b> Through the 2014 Supplement to the General Statutes of Connecticut, Revision of 1958</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Connecticut (Cont.)</b>	Class A misdemeanor	<p><b>Conn. Gen. Stat. § 53a-64cc (2011). Strangulation in the third degree: Class A misdemeanor</b></p> <p>(a) A person is guilty of strangulation 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 strangulation 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) Strangulation in the third degree is a class A misdemeanor.</p> <p><b>History:</b> The 2008 Supplement to the Connecticut General Statutes codified 2007, P.A. 07-123, § 10, as C.G.S.A. § 53a-64cc.</p> <p><b>Current:</b> Through the 2014 Supplement to the General Statutes of Connecticut, Revision of 1958</p>
<b>Delaware</b>	Class D felony	<p><b>Del. Code § 11-607 (2011). Strangulation; penalty; affirmative defense</b></p> <p>(a)</p> <ul style="list-style-type: none"> <li>(1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person.</li> <li>(2) Except as provided in paragraph (a)(3) of this section, strangulation is a class E felony.</li> <li>(3) Strangulation is a class D felony if: <ul style="list-style-type: none"> <li>a. The person used or attempted to use a dangerous instrument or a deadly weapon while committing the offense; or</li> <li>b. The person caused serious physical injury to the other person while committing the offense; or</li> <li>c. The person has been previously convicted of strangulation.</li> </ul> </li> </ul> <p>(b) It is an affirmative defense that an act constituting strangulation was the result of a legitimate medical procedure.</p> <p><b>History:</b> Added by 77 Laws 2010, ch. 256, § 1, eff. May 14, 2010. Technical corrections received from the Delaware Code Revisors for 2013 Acts.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Florida</b>	Third-degree felony	<p><b>Fla. Stat. § 784.041 (2011). Felony battery; domestic battery by strangulation</b></p> <p>(1) A person commits felony battery if he or she:</p> <ul style="list-style-type: none"> <li>(a) Actually and intentionally touches or strikes another person against the will of the other; and</li> <li>(b) Causes great bodily harm, permanent disability, or permanent disfigurement.</li> </ul> <p>(2)</p> <ul style="list-style-type: none"> <li>(a) A person commits domestic battery by strangulation 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.</li> <li>(b) As used in this subsection, the term: <ul style="list-style-type: none"> <li>1. "Family or household member" has the same meaning as in s. 741.28.</li> <li>2. "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.</li> </ul> </li> </ul> <p>(3) A person who commits felony battery or domestic battery by strangulation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</p> <p><b>History:</b> Added by Laws 1997, c. 97-183, § 1, eff. Oct. 1, 1997. Amended by Laws 2007, c. 2007-133, § 1, eff. Oct. 1, 2007.</p> <p><b>Amendments:</b> The 2007 amendment by s. 1, ch. 2007-133, effective October 1, 2007, added "domestic battery by strangulation" in the section heading; added present (2) and redesignated former (2) as present (3); and in present (3) inserted "or domestic battery by strangulation."</p> <p><b>Current:</b> Through 2013 1<sup>st</sup> Reg. Sess. Of the 23<sup>rd</sup> Legislature</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Hawaii</b>	Class C felony	<p><b>Hawaii Stat. §§ 709-906(1) &amp; (8) (2011). 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>***</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> <p><b>Amendments:</b> Act 230, Session Laws 2006, amended this section by adding strangulation as abuse of a family or household member and making it a class C felony. House Standing Committee Report No. 665-06.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Idaho</b>	Felony	<p style="text-align: center;"><b>Idaho Code § 18-923 (2011). 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 section 18-918(1)(a), Idaho Code.</p> <p>(5) "Dating relationship" assumes the same definition as set forth in section 39-6303(2), Idaho Code.</p> <p><b>History:</b> I.C., § 18-923, as added by 2005, ch. 303, § 1, p. 950. Section 2 of S.L. 2005, ch. 303 declared an emergency. Approved April 6, 2005.</p> <p style="text-align: center;"><b>Case Law</b></p> <p><b>State v. Laramore, 179 P.3d 1084, 145 Idaho 428 (2007).</b> Mental element of statute defining offense of attempted strangulation was not internally contradictory and, thus, did not render statute unconstitutionally vague on its face in violation of due process clause, though statute stated that no intent to injure was required, and attempted strangulation would seem to involve an intent to injure; offense also included a "choke" component, and choking an individual would entail at least an intent to make the person uncomfortable or fearful and could be done without an intent to inflict a physical injury.</p> <p><b>State v. Laramore, 179 P.3d 1084, 145 Idaho 428 (2007).</b> Statute that defined offense of attempted strangulation was not unconstitutionally vague on its face in violation of due process clause with respect to its definition of "dating relationship" as "a social relationship of a romantic nature"; many circumstances could fall within the definition, such as when two people mutually shared romantic interest and had gone on many public dates over a protracted period of time.</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Illinois</b>	Class 3 felony unless the person used or attempted to use a dangerous instrument, caused great bodily harm or permanent disability or disfigurement, or has been previously convicted of strangulation under the laws of Illinois or any other state—then Class 1 felony.	<p><b>III. Stat. ch. 720 §§ 5/12-3.05(a)(5), (h) &amp; (i) (2011). Aggravated Battery</b></p> <p>(a) Offense based on injury. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly does any of the following:      ***</p> <p style="padding-left: 40px;">(5) Strangles another individual.      ***</p> <p>(h) Sentence. Unless otherwise provided, aggravated battery is a Class 3 felony. Aggravated battery under subdivision (a)(5) is a Class 1 felony if:</p> <ul style="list-style-type: none"> <li>(A) the person used or attempted to use a dangerous instrument while committing the offense; or</li> <li>(B) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing the offense; or</li> <li>(C) the person has been previously convicted of a violation of subdivision (a)(5) under the laws of this State or laws similar to subdivision (a)(5) of any other state.      ***</li> </ul> <p>(i) Definitions. For the purposes of this Section:      "Strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Illinois (cont.)</b>	Class 3 felony unless person used or attempted to use dangerous instrument, caused great bodily harm or permanent disability or disfigurement, or has been previously convicted of strangulation—then Class 1 felony.	<p><b>III. Stat. ch. 720 §§ 5/12-3.05(d-6) &amp; (e) (2011). Aggravated Battery</b></p> <p>Aggravated battery.</p> <p>(a) Offense based on injury. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly does any of the following:</p> <ul style="list-style-type: none"> <li>(5) Strangles another individual.</li> </ul> <p>(h) Sentence. Unless otherwise provided, aggravated battery is a Class 3 felony      ***</p> <p>Aggravated battery under subsection (a-5) is a Class 1 felony if:</p> <ul style="list-style-type: none"> <li>(A) the person used or attempted to use a dangerous instrument while committing the offense; or</li> <li>(B) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing the offense; or</li> <li>(C) the person has been previously convicted of a violation of subsection (a-5) under the laws of this State or laws similar to subsection (a-5) of any other state.</li> </ul>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Illinois (cont.)</b>	Class 2 felony.	<p><b>III. Stat. ch. 720 § 5/12-3.3 (2011). Aggravated domestic battery</b></p> <p>(a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery.</p> <p>(a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.</p> <p>(b) Sentence. Aggravated domestic battery is a Class 2 felony. Any order of probation or conditional discharge entered following a conviction for an offense under this Section must include, in addition to any other condition of probation or conditional discharge, a condition that the offender serve a mandatory term of imprisonment of not less than 60 consecutive days. A person convicted of a second or subsequent violation of this Section must be sentenced to a mandatory term of imprisonment of not less than 3 years and not more than 7 years or an extended term of imprisonment of not less than 7 years and not more than 14 years.</p> <p>(c) Upon conviction of aggravated domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of aggravated domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation shall be made in the court file that the admonition was given.</p> <p><b>History:</b> (a-5) added by P.A. 96-363, § 5, eff. Aug. 13, 2009.</p>
<b>Illinois (cont.)</b>	Strangulation is an issue to be considered in domestic violence bail determination.	<p><b>III. Stat. ch. 725 § 5/110-5.1(b)(7) (2011). Bail; certain persons charged with violent crimes against family or household members</b></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, before setting bail for a person who appears before the court pursuant to subsection (a):</p> <p style="text-align: center;">***</p> <p>(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, strangulation, 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 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Indiana</b>	Class D felony	<p style="text-align: center;"><b>Burns Ind. Code Ann. § 35-42-2-9 (2011). Strangulation</b></p> <p>(a) This section does not apply to a medical procedure.  (b) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:  (1) applies pressure to the throat or neck of another person; or  (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 strangulation, a Class D felony.</p> <p><b>History:</b> P.L.129-2006, § 2.</p>
<b>Kentucky</b>		<p style="text-align: center;"><b>2011 Kentucky House Bill No. 148, Kentucky 2011 Regular Session</b></p> <p><b>TITLE:</b> AN ACT relating to crimes and punishments.</p> <p><b>VERSION:</b> Introduced January 4, 2011, assigned to House Judiciary Committee January 5, 2011.  M. Denham</p> <p style="text-align: center;"><b>2011 KY LD 324</b></p> <p><b>SUMMARY:</b> Amend KRS 500.080 to include a loss of consciousness within the definition of "physical injury.".</p> <p><b>TEXT:</b>  Amend KRS 500.080 to include a loss of consciousness within the definition of "physical injury.".</p> <p>AN ACT relating to crimes and punishments.  Be it enacted by the General Assembly of the Commonwealth of Kentucky:  Section 1. KRS 500.080 is amended to read as follows:</p> <p>As used in the Kentucky Penal Code, unless the context otherwise requires:  (13) "Physical injury" means substantial physical pain or any impairment of physical condition or loss of consciousness.</p>

## **Strangulation Laws**

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Louisiana</b>	Imprisonment at hard labor for not more than three years.	<p><b>L.S.A. §§ 14:35.3(A), (B)(5) &amp; (L) (2011). Domestic abuse battery</b></p> <p>A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member.</p> <p>B. For purposes of this Section:</p> <p style="padding-left: 2em;">***</p> <p style="padding-left: 2em;">(5) "Strangulation" 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.</p> <p style="padding-left: 2em;">***</p> <p>L. Notwithstanding any other provision of law to the contrary, if the domestic abuse battery involves strangulation, the offender shall be imprisoned at hard labor for not more than three years.</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maine</b>		<p><b>LD 1027: An Act to Make Strangulation an Aggravating Sentencing Factor</b></p> <p style="text-align: center;"><b>Resolve Chapter 76</b></p> <p style="text-align: center;"><b>Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine</b></p> <p style="text-align: center;"><b>Emergency preamble.</b></p> <p>Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and</p> <p>Whereas, there is a national increased awareness of the severity of strangulation, including its high prevalence in domestic and sexual assaults, its serious impacts, including life-threatening levels of anoxic brain damage, and its use as a tool of intimidation; and</p> <p>Whereas, public and professional awareness of the prevalence and impact of strangulation in Maine may lag behind research data; and</p> <p>Whereas, stakeholders should promptly review best practices models and tailor them to fit Maine's needs; and</p> <p>Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it</p> <p><b>Sec. 1. Review of best practices in management of strangulation. Resolved:</b> That the Maine Commission on Domestic and Sexual Abuse, created in the Maine Revised Statutes, Title 19-A, section 4013 and referred to in this resolve as "the commission," shall study strangulation to determine the presence and patterns of strangulation in domestic and sexual violence in the State and the current management of strangulation within criminal law. The commission shall review model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite interested parties, including but not limited to representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission under Title 17-A, section 1351, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers; and be it further</p>

## Strangulation Laws

*Compiled by the National Center for Prosecution of Child Abuse in 2007 [Updated by BWJP 2014]*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maine (cont.)</b>		<p><b>Sec. 2. Report. Resolved:</b> That the commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in the State, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.</p> <p><b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved.</p> <p><b>History:</b> Signed by governor June 13, 2011.</p>
<b>Maine (cont.)</b>	Class B crime	<p style="text-align: center;"><b>Me. Rev. Stat. §208 (2012). Aggravated Assault.</b></p> <p class="list-item-l1">1. A person is guilty of <b>aggravated assault</b> if he intentionally, knowingly, or recklessly causes:</p> <ul style="list-style-type: none"> <li>A. Serious bodily injury to another; or</li> <li>B. Bodily injury to another with use of a dangerous weapon; or</li> <li>C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, the observable physical condition of the victim or the use of strangulation. For the purpose of this paragraph, "strangulation" means the intentional impeding of the breathing or circulation of the blood of another person by applying pressure on the person's throat or neck.</li> </ul> <p class="list-item-l1">2. <b>Aggravated assault</b> is a Class B crime.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maryland</b>	Element of rape in the first degree	<p style="text-align: center;"><b>Md. Crim. Law § 3-303(a) (2011). Rape in the first degree</b></p> <p>(a) A person may not:</p> <ul style="list-style-type: none"> <li>(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and</li> <li>(2) ***</li> <li>(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</li> <li>(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, strangulation, disfigurement, serious physical injury, or kidnapping.</li> </ul>
<b>Maryland (Cont.)</b>	Element of sexual offense in the first degree	<p style="text-align: center;"><b>Md. Crim. Law § 3-305(a) (2011). Sexual offense in the first degree</b></p> <p>(a) A person may not:</p> <ul style="list-style-type: none"> <li>(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and</li> <li>(2) ***</li> <li>(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</li> <li>(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, strangulation, disfigurement, serious physical injury, or kidnapping.</li> </ul>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Maryland (Cont.)</b>	Element of sexual offense in the third degree	<p><b>Md. Crim. Law § 3-307(a)(1) (2011). Sexual offense in the third degree</b></p> <p>(a) A person may not:</p> <p>(1)</p> <ul style="list-style-type: none"> <li>(i) engage in sexual contact with another without the consent of the other; and</li> <li>(ii)</li> </ul> <ul style="list-style-type: none"> <li>1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;</li> <li>2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</li> <li>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, strangulation, disfigurement, serious physical injury, or kidnapping.</li> </ul>

## Strangulation Laws

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Massachusetts</b>	Attempted murder by strangling is a felony	<p><b>ALM GL ch. 265, § 16 (2006). Attempt to Murder</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>Case Law:</b></p> <p><b><i>Commonwealth v. Beattie</i> 560 N.E.2d 714, 29 Mass.App.Ct. 355 (1990).</b> Term "strangulation," without additional words, sufficiently describes overt act necessary to support indictment for attempt to murder.</p> <p><b><i>Commonwealth v Grogan</i>, 11 Mass App 684, 418 NE2d 1276 (1981).</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.</p> <p><b><i>Commonwealth v Dixon</i>, 34 Mass App 653, 614 NE2d 1027 (1993).</b> 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.</p> <p><b><i>Commonwealth v Dixon</i>, 34 Mass App 653, 614 NE2d 1027 (1993).</b> Overt act required for attempted murder by strangling need not in all cases be strangling.</p> <p><b><i>Commonwealth v Dixon</i>, 34 Mass App 653, 614 NE2d 1027 (1993).</b> 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.</p> <p><b><i>Commonwealth v Dixon</i>, 34 Mass App 653, 614 NE2d 1027 (1993).</b> 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.</p>
<b>Michigan</b>	Attempt to murder by strangling is a felony	<p><b>Mich. Stat. § 750.91 (2011). Attempt to murder</b></p> <p>Sec. 91. ATTEMPT TO MURDER BY POISONING, ETC.--</p> <p>Any person who shall attempt to commit the crime of murder by poisoning, drowning, or strangling 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>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Minnesota</b>	Felony	<p><b>Minn. Stat. § 609.2247 (2005). Domestic Assault by Strangulation</b></p> <p>Subdivision 1. Definitions.</p> <ul style="list-style-type: none"> <li>(a) As used in this section, the following terms have the meanings given.</li> <li>(b) "Family or household members" has the meaning given in section 518B.01, subdivision 2.</li> <li>(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.</li> </ul> <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> Laws 2005, c. 136, art. 17, § 13, enacting this section, also provided that the enactment was effective August 1, 2005, and applies to crimes committed on or after that date.</p> <p style="text-align: right;"><b>Case Law</b>  <b><i>State v. Truong, 2006 Minn. App. Unpub. LEXIS 1372 .</i></b></p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Mississippi</b>	Felony	<p><b>Miss. Code § 97-3-7(4) (2011). Simple and aggravated assault; simple and aggravated domestic violence</b></p> <p>(4)(a) A person is guilty of aggravated domestic violence who:      ***</p> <p>(iii) Strangles, or attempts to strangle a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child.</p> <p>(b) Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, except that, upon a third or subsequent conviction of aggravated domestic violence, whether against the same or another victim, the defendant shall be guilty of a felony and sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years. In determining the number of prior aggravated domestic violence convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years before the aggravated domestic violence offense in question.</p> <p>(c) In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.</p> <p>(e) A person convicted of aggravated domestic violence shall not be eligible for parole under the provisions of Section 47-7-3(1)(c) until he shall have served one (1) year of his sentence.</p> <p>(5) For the purposes of this section:</p> <p>(a) "Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck or throat of another person by any means or to intentionally block the nose or mouth of another person by any means.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Mississippi (Cont.)</b>		<p><b>History:</b> Laws 2010, Ch. 536, § 1, eff. July 1, 2010 added, to subsec. (4), a second paragraph, defining "strangle"; and rewrote the existing paragraph of subsec. (4), which had read: "A person is guilty of aggravated domestic violence who commits aggravated assault as described in subsection (2) of this section against a current or former spouse or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant, other persons related by consanguinity or affinity who reside with or formerly resided with the defendant or a child of that person, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child and, upon conviction, the defendant shall be punished as provided under subsection (2) of this section; however, upon a third or subsequent offense of aggravated domestic violence, whether against the same or another victim and within five (5) years, the defendant shall be guilty of a felony and sentenced to a term of imprisonment of not less than five (5) nor more than twenty (20) years. In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred. Reasonable discipline of a child, such as spanking, is not an offense under this subsection (4)."</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Missouri</b>	Class C felony	<p><b>Missouri Stat. § 565.073 (2011). 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, including any child who is a member of the family or household, as defined in section 455.010, and he or she:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(2) Recklessly causes serious physical injury to such family or household member; or</li> <li>(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.</li> </ul> <p>2. Domestic assault in the second degree is a class C felony.</p> <p><b>History:</b> Added by L.2000, H.B. Nos. 1677, 1675 &amp; 1676, § A.</p> <p style="text-align: center;"><b>Case Law:</b></p> <p><b><i>State v. Tyler, 196 S.W.3d 638, 2006 Mo. App. LEXIS 812 (Mo. Ct. App. 2006).</i></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.</p> <p><b><i>State v. Cole, 148 S.W.3d 896, 2004 Mo. App. LEXIS 1771 (Mo. Ct. App. 2004).</i></b> 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 Mo. Rev. Stat. § 565.073, because the State had shown that defendant knowingly caused criminally recognizable physical injury to the victim, his estranged wife, pursuant to Mo. Rev. Stat. § 562.016.3. The jury could have reasonably concluded that the victim could have been physically injured to the point where she experienced pain, although she did not require medical attention, and physical pain, alone, met the definition of physical injury under Mo. Rev. Stat. § 556.061(20).</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Nebraska</b>	Class III felony	<p><b>Neb. Stat. § 28-310.01 (2011). 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> <ul style="list-style-type: none"> <li>(a) The person used or attempted to use a dangerous instrument while committing the offense;</li> <li>(b) The person caused serious bodily injury to the other person while committing the offense; or</li> <li>(c) The person has been previously convicted of strangulation.</li> </ul> <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> Added by Laws 2004, LB 943, § 2.</p>
<b>Nevada</b>	Category C felony—Battery	<p><b>Nev. Stat. §§ 200.481(1)(h) &amp; (2)(b) (2010). Battery: Definitions; penalties</b></p> <p>1. As used in this section: ***</p> <p>(h) "Strangulation" 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 another person in a manner that creates a risk of death or substantial bodily harm.</p> <p>2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished: ***</p> <p>(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193. 130.</p> <p><b>History:</b> Added by Laws 2009, c. 42, § 3, eff. May 6, 2009.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Nevada (Cont.)</b>	Category A felony—Battery with intent to commit sexual assault	<p><b>Nev. Stat. § 200.400(4)(a) (2010). Definition; penalties</b></p> <p>4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:</p> <p>(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:</p> <p>(1) For life without the possibility of parole; or</p> <p>(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, as determined by the verdict of the jury, or the judgment of the court if there is no jury.</p> <p><b>History:</b> Added by Laws 2009, c. 42, § 3, eff. May 6, 2009.</p>
<b>Nevada (Cont.)</b>		<p><b>Nev. Stat. § 193.166(4) (2010). Additional penalty: Felony committed in violation of order for protection or order to restrict conduct; restriction on probation</b></p> <p>4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.</p> <p><b>History:</b> Added by Laws 2009, c. 42, § 3, eff. May 6, 2009.</p>
<b>Nevada (Cont.)</b>	Category C felony	<p><b>Nev. Stat. § 200.485(2) (2010). Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions</b></p> <p>2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130and by a fine of not more than \$15,000.</p> <p><b>History:</b> Added by Laws 2009, c. 42, § 3, eff. May 6, 2009.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Nevada (Cont.)</b>		<p><b>Nev. Stat. §§ 178.484(7) &amp; (17) (2010). Right to bail before conviction; exceptions; imposition of conditions; arrest for violation of condition</b></p> <p>7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:</p> <ul style="list-style-type: none"> <li>(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;</li> <li>(b) Five thousand dollars, if the person has: <ul style="list-style-type: none"> <li>(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or</li> <li>(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or</li> </ul> </li> <li>(c) Fifteen thousand dollars, if the person has: <ul style="list-style-type: none"> <li>(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or</li> <li>(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.</li> </ul> </li> </ul> <p style="text-align: center;">***</p> <p>17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.</p> <p><b>History:</b> Added by Laws 2009, c. 42, § 3, eff. May 6, 2009.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>New Hampshire</b>	Class B felony	<p><b>N.H. Stat §§ 631:2(I)(f) &amp; (II)(c) (2011) Second Degree Assault</b></p> <p>I. A person is guilty of a class B felony if he or she: *** (f) Purposely or knowingly engages in the strangulation of another.</p> <p>II. In this section: *** (c) "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.</p>
<b>New York</b>	Class A misdemeanor	<p><b>N.Y. Penal Code § 121.11 (2011). Criminal obstruction of breathing or blood circulation</b></p> <p>A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she:</p> <ul style="list-style-type: none"> <li>a. applies pressure on the throat or neck of such person; or</li> <li>b. blocks the nose or mouth of such person.</li> </ul> <p>Criminal obstruction of breathing or blood circulation is a class A misdemeanor.</p>
<b>New York (Cont.)</b>	Class C felony— Strangulation in the first degree	<p><b>N.Y. Penal Code § 121.13 (2011). Strangulation in the first degree</b></p> <p>A person is guilty of strangulation in the first degree when he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, and thereby causes serious physical injury to such other person.</p> <p>Strangulation in the first degree is a class C felony.</p> <p><b>History:</b> Added L.2010, c. 405, § 2, eff. Nov. 11, 2010.</p>
<b>New York (Cont.)</b>	Class D felony— Strangulation in the second degree	<p><b>N.Y. Penal Code § 121.12 (2011). Strangulation in the second degree</b></p> <p>A person is guilty of strangulation in the second degree when he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, and thereby causes stupor, loss of consciousness for any period of time, or any other physical injury or impairment.</p> <p>Strangulation in the second degree is a class D felony.</p> <p><b>History:</b> Added L.2010, c. 405, § 2, eff. Nov. 11, 2010.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>North Carolina</b>	Class H felony	<p><b>N.C. Gen. Stat. § 14-32.4 (2011). 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>
<b>Ohio</b>	Used in consideration of bail determination	<p><b>Baldwin's Ohio Code § 2919.251(B)(7) (2011). Factors to be considered when setting bail; bail schedule; appearance by video conferencing equipment</b></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 Criminal Rule 46, before setting bail for a person who appears before the court pursuant to division (A) of this section:</p> <p style="text-align: center;">***</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, strangulation, 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*

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Oklahoma</b>	Felony	<p><b>21 Okla. Stat. § 644(J) (2011). Assault—Assault and battery—Domestic abuse</b></p> <p>J. 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, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, 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 any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.</p>
<b>Oregon</b>	Class A misdemeanor	<p><b>Ore. Stat. § 163.187 (2011). 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> <ul style="list-style-type: none"> <li>(a) Applying pressure on the throat or neck of the other person; or</li> <li>(b) Blocking the nose or mouth of the other person.</li> </ul> <p>(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> Added by 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>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Oregon (Cont.)</b>		<p style="text-align: center;"><b>Ore. Stat. § 124.105(1)(i) (2011). Physical abuse</b></p> <p>(1) An action may be brought under ORS 124.100 for physical abuse if the defendant engaged in conduct against a vulnerable person that would constitute any of the following:</p> <p style="text-align: center;">***</p> <p>(i) Strangulation, under ORS 163.187.</p> <p><b>History:</b> Subsection (i) was added by Laws 2003, c. 577, § 4.</p>
<b>Tennessee</b>	Felony	<p style="text-align: center;"><b>Tenn. Stat. § 39-13-102(a) (2011). Aggravated assault</b></p> <p>(a)(1) A person commits aggravated assault who:</p> <p>(A) Intentionally or knowingly commits an assault as defined in § 39-13-101, and:</p> <p style="text-align: center;">***</p> <p>(iv) Was intended to cause bodily injury to another by strangulation or bodily injury by strangulation was attempted; or</p> <p>(B) Recklessly commits an assault as defined in § 39-13-101(a)(1), and:</p> <p>(A) Causes serious bodily injury to another; or</p> <p>(B) Uses or displays a deadly weapon.</p> <p>(2) For purposes of subdivision (a)(1)(C) "strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person.</p> <p><b>History:</b> Aggravated assault by strangulation added by 2011 Pub.Acts, c. 401, § 1, eff. July 1, 2011.</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Utah</b>	2 <sup>nd</sup> degree felony— Intentionally or knowingly  3 <sup>rd</sup> degree felony— Recklessly  Class A misdemeanor— Criminal negligence	<b>Utah Code §§ 76-5-109(1)(f)(ii)(I) &amp; (2) (2011). Child abuse—Child abandonment</b>  (1) As used in this section: *** (f) *** (ii) "Serious physical injury" includes: (I) any conduct that causes a child to cease breathing, even if resuscitation is successful following the conduct (2) Any person who inflicts upon a child serious physical injury or, having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child is guilty of an offense as follows: (a) if done intentionally or knowingly, the offense is a felony of the second degree; (b) if done recklessly, the offense is a felony of the third degree; or (c) if done with criminal negligence, the offense is a class A misdemeanor.
<b>Virginia</b>	Felony	<b>Va. Code Ann. § 18.2-58.1 (2011). Carjacking; penalty</b>  A. Any person who commits carjacking, as herein defined, shall be guilty of a felony punishable by imprisonment for life or a term not less than fifteen years. 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 strangulation, 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. C. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth which may apply to any course of conduct which violates this section.
<b>Virginia (Cont.)</b>	Felony	<b>Va. Code Ann. § 18.2-58 (2011). How punished</b>  If any person commit robbery by partial strangulation, 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 felony and shall be punished by confinement in a state correctional facility for life or any term not less than five years.

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Washington</b>	Class B felony— Generally	<p style="text-align: center;"><b>Wash. Stat. § 9A.04.110(26) (2011). Definitions</b></p> <p>In this title unless a different meaning plainly is required:</p> <p>(26) "Strangulation" 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.</p> <p><b>Amendments:</b> 2007 Legislation Laws 2007, ch. 79, § 3 inserted the definition of "Strangulation" and redesignated subsequent definitions. Laws 2007, ch. 79, § 1 provides: "The legislature finds that assault by strangulation 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 strangulation is often knowingly inflicted upon an intimate partner with the intent to commit physical injury, or substantial or great bodily harm. Strangulation 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>

## Strangulation Laws

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>Washington (Cont.)</b>	<p>Class A felony—if committed with sexual motivation</p> <p>Class B felony—if committed with no sexual motivation</p>	<p><b>Wash. Stat. § 9A.36.021(1)(g) &amp; (2) (2011). Assault in the second degree</b></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 style="padding-left: 2em;">***</p> <p style="padding-left: 2em;">(g) Assaults another by strangulation or suffocation.</p> <p>(2)</p> <p style="padding-left: 2em;">(a) Except as provided in (b) of this subsection, assault in the second degree is a class B felony.</p> <p style="padding-left: 2em;">(b) Assault in the second degree with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.</p> <p><b>History:</b> 2007 c 79 § 2; 2003 c 53 § 64; 2001 2nd sp.s. c 12 § 355; 1997 c 196 § 2.1988 c 266 § 2; 1988 c 206 § 916; 1988 c 158 § 2; 1987 c 324 § 2; 1986 c 257 § 5.</p> <p><b>FINDING:</b> "The legislature finds that assault by strangulation 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 strangulation is often knowingly inflicted upon an intimate partner with the intent to commit physical injury, or substantial or great bodily harm. Strangulation 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." [2007 c 79 § 1.]</p>
<b>Washington (Cont.)</b>	<p>Class A felony with a finding of sexual motivation</p> <p>Class B if no sexual motivation</p>	<p><b>Wash. Stat. § 9A.36.021(1)(g) (2011).</b></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 style="padding-left: 2em;">***</p> <p style="padding-left: 2em;">(g) Assaults another by strangulation or suffocation.</p> <p><b>History:</b> Laws 2007, ch. 79, § 2 inserted subsec. (1)(g) relating to assault by strangulation. Laws 2011, ch. 166, § 1, in subsec. (1)(g), added "or suffocation".</p>

## **Strangulation Laws**

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

<b>State</b>	<b>Specification</b>	<b>Text</b>
<b>West Virginia</b>	Strangulation during robbery or attempted robbery—First-degree robbery	<p><b>W.V. Stat. § 61-2-12(a) (2011). Robbery or attempted robbery; penalties</b></p> <p>(a) Any person who commits or attempts to commit robbery by:</p> <ul style="list-style-type: none"> <li>(1) Committing violence to the person, including, but not limited to, partial strangulation or suffocation or by striking or beating; or</li> <li>(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.</li> </ul>
<b>Wisconsin</b>	Class G felony if defendant previously convicted of a violent crime.  Otherwise, class H felony	<p><b>Wis. Stat. § 940.235 (2011). Strangulation and suffocation</b></p> <p>(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 s. 939.632(1)(e)1.</p> <p><b>History:</b> Added by 2007 Act 127, § 5, eff. April 4, 2008.</p>
<b>Wyoming</b>	Felony	<p><b>Wyoming Stat. § 6-2-509 (2011). Strangulation of a household member; penalty</b></p> <p>(a) A person is guilty of strangulation of a household member if he intentionally and knowingly or recklessly causes or attempts to cause bodily injury to a household member by impeding the normal breathing or circulation of blood by:</p> <ul style="list-style-type: none"> <li>(i) Applying pressure on the throat or neck of the household member; or</li> <li>(ii) Blocking the nose and mouth of the household member.</li> </ul> <p>(b) Strangulation of a household member is a felony punishable by imprisonment for not more than five (5) years.</p> <p>(c) For purposes of this section, "household member" means as defined in W.S. 35-21-102(a)(iv)(A) through (D), (G) and (H).</p> <p><b>History:</b> Added by Laws 2011, ch. 136, § 1, eff. July 1, 2011.</p>