

Strangulation Laws

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

State	Specification	Text
<p>Alaska</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 style="text-align: center;">ALASKA 24TH LEGISLATURE -- FIRST SESSION</p> <p style="text-align: center;">CHAPTER NO. 20</p> <p style="text-align: center;">HOUSE BILL 219</p> <p style="text-align: center;"><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>SYNOPSIS: AN ACT Relating to the definition of "dangerous instrument" as applied within the criminal code.</p> <p>NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]</p> <p style="padding-left: 40px;">[*1] Section 1. AS 11.81.900(b)(15) is amended to read:</p> <p style="padding-left: 40px;">(15) "dangerous instrument" means</p> <p style="padding-left: 40px;">[A> (A) <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> ; OR <A]</p> <p style="padding-left: 40px;">[A> (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 <A] ;</p> <p>HISTORY: Approved by the Governor May 17, 2005</p> <p>Effective date: August 15, 2005</p> <p>SPONSOR: Hawker</p>

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Alaska (cont.)		<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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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><u>CASE LAW:</u> Ross v. State, 2006 Alas. App. LEXIS 41 (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>Kammeyer v. State, 2005 Alas. App. LEXIS 89 (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>

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Connecticut	<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>§ 53a-64aa. Strangulation in the first degree: Class C felony</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</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 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>

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State	Specification	Text
Connecticut (Cont.)		<p>§ 53a-64cc. Strangulation in the third degree: Class A misdemeanor</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>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>

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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 strangulation</p> <p>(1) A person commits felony battery if he or she:</p> <p style="padding-left: 20px;">(a) Actually and intentionally touches or strikes another person against the will of the other; and</p> <p style="padding-left: 20px;">(b) Causes great bodily harm, permanent disability, or permanent disfigurement.</p> <p>(2) (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.</p> <p style="padding-left: 20px;">(b) As used in this subsection, the term:</p> <p>(1) "Family or household member" has the same meaning as in s. 741.28.</p> <p>(2) "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.</p> <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>History: s. 1, ch. 97-183; s. 1, ch. 2007-133, eff. Oct. 1, 2007.</p> <p>NOTES:</p> <p>AMENDMENTS</p> <p>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>

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Hawaii	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>§ 709-906. Abuse of family or household members; penalty.</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>

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Idaho	Felony	<p>TITLE 18 CRIMES AND PUNISHMENTS CHAPTER 9 ASSAULT AND BATTERY</p> <p>Idaho Code § 18-923 (2006)</p> <p>§ 18-923. Attempted strangulation</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>HISTORY: I.C., § 18-923, as added by 2005, ch. 303, § 1, p. 950.</p> <p>NOTES: COMPILER'S NOTES. Section 2 of S.L. 2005, ch. 303 declared an emergency. Approved April 6, 2005.</p>

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State	Specification	Text
Illinois	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 Title III. Proceedings After Arrest Article 110. Bail 5/110-5.1. Bail; certain persons charged with violent crimes against family or household members</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>

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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> <p>(1) whether the person has a history of domestic violence or a history of other violent acts;</p> <p>(2) the mental health of the person;</p> <p>(3) whether the person has a history of violating the orders of any court or governmental entity;</p> <p>(4) whether the person is potentially a threat to any other person;</p> <p>(5) whether the person has access to deadly weapons or a history of using deadly weapons;</p> <p>(6) whether the person has a history of abusing alcohol or any controlled substance; substance;</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>

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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>35-42-2-9. Strangulation.</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: 20px;">(1) applies pressure to the throat or neck of another person; or</p> <p style="padding-left: 20px;">(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>HISTORY: P.L.129-2006, § 2.</p> <p>NOTES: Effective Dates. P.L.129-2006, § 2. July 1, 2006.</p>

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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>SYNOPSIS: 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 strangulation; to provide for definitions; and to provide for related matters.</p> <p>NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]</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>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> (3) "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. <A]</p> <p>* * *</p> <p>[A> 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. <A]</p> <p>HISTORY: Approved by the Governor June 22, 2007 SPONSOR: Guillory E</p>

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State	Specification	Text
Maryland	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>§ 3-303. Rape in the first degree</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) (ii) suffocate, strangle, 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, strangulation, disfigurement, serious physical injury, or kidnapping;</p>

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State	Specification	Text
Maryland (Cont.)	Element of sexual offense in the first degree	<p>Md. CRIMINAL LAW Code Ann. § 3-305 (2006)</p> <p>§ 3-305. Sexual offense in the first degree</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, strangle, 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, strangulation, disfigurement, serious physical injury, or kidnapping;</p>

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State	Specification	Text
Maryland (Cont.)	Element of sexual offense in the third degree	<p style="text-align: right;">Md. CRIMINAL LAW Code Ann. § 3-307 (2006)</p> <p>§ 3-307. Sexual offense in the third degree (a) Prohibited. -- A person may not:</p> <p style="padding-left: 40px;">(1) (i) engage in sexual contact with another without the consent of the other; and</p> <p style="padding-left: 80px;">(ii) 2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;</p> <p style="padding-left: 80px;">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;</p>

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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>§ 16. Attempt to Murder by Poisoning, Drowning or Strangling.</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><u>CASES:</u> 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. Commonwealth v Grogan (1981) 11 Mass App 684, 418 NE2d 1276.</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. Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</p> <p>Overt act required for attempted murder by strangling need not in all cases be strangling. Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</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. Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</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. Commonwealth v Dixon (1993) 34 Mass App 653, 614 NE2d 1027, summary op at (Mass App) 21 MLW 2990.</p>

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Michigan	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 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> <p>HISTORY: Act 328, 1931, p 624; eff September 18, 1931.</p>

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Minnesota	Felony	<p>CHAPTER 609 CRIMINAL CODE CRIMES AGAINST THE PERSON</p> <p>Minn. Stat. § 609.2247 (2005)</p> <p>609.2247 Domestic assault by strangulation</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>History:</p> <p><i>2005 c 136 art 17 s 13</i></p> <p><u>CASE LAW:</u> State v. Truong, 2006 Minn. App. Unpub. LEXIS 1372</p>

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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>§ 565.073. Domestic assault, second degree--penalty</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 section 455.010, RSMo, 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>History: L. 2000 H.B. 1677, et al.</p> <p><u>CASE LAW:</u> 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. State v. Tyler, 196 S.W.3d 638, 2006 Mo. App. LEXIS 812 (Mo. Ct. App. 2006).</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 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</p>

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Nebraska	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>§ 28-310.01. Strangulation; penalty; affirmative defense</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>HISTORY: Laws 2004, LB 943, § 2.</p> <p>NOTES: EFFECTIVE DATE: April 16, 2004.</p>

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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>§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.</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>HISTORY: 1996, 2nd Ex. Sess., c. 18, s. 20.13(a); 2004-186, s. 9.1.</p> <p>NOTES: EFFECT OF AMENDMENTS. --Session Laws 2004-186, s. 9.1, 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>

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State	Specification	Text
North Carolina (Cont.)		<p><u>CASE LAW:</u></p> <p>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. State v. Williams, 150 N.C. App. 497, 563 S.E.2d 616 (2002).</p> <p>"SERIOUS BODILY INJURY" UPON A LAW ENFORCEMENT OFFICER. --G.S. 14-34.7 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 G.S. 14-34.7 was to make an assault inflicting "serious injury" or "serious bodily injury" against a law enforcement officer a felony. State v. Crawford, 167 N.C. App. 777, 606 S.E.2d 375 (2005), cert. denied, 359 N.C. 412, 612 S.E.2d 324 (2005).</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." State v. Williams, 150 N.C. App. 497, 563 S.E.2d 616 (2002).</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 G.S. 14-318.4(a), and felonious assault inflicting serious bodily injury, in violation of G.S. 14-32.4. State v. Williams, 154 N.C. App. 176, 571 S.E.2d 619 (2002).</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. State v. Brown, -- N.C. App. --, 628 S.E.2d 787 (2006).</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. State v. Hannah, 149 N.C. App. 713, 563 S.E.2d 1 (2002), cert. denied, 355 N.C. 754, 566 S.E.2d 81 (2002).</p>

Strangulation Laws		
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State	Specification	Text
North Carolina (Cont.)		<p>CASE LAW (Cont.)</p> <p>PROSECUTION UNDER G.S. 14-32 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 G.S. 14-32(b), and assault inflicting serious bodily injury, G.S. 14-32.4, for the same conduct without violating the double jeopardy provisions of the United States and North Carolina Constitutions. State v. Ezell, 159 N.C. App. 103, 582 S.E.2d 679 (2003).</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 G.S. 14-32(b) and misdemeanor assault inflicting serious injury under G.S. 14-33(c)(1) 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 G.S. 14-32(b) provided for greater punishment than G.S. 14-32.4 or 14-33(c), 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 N. C. Const. art. I, § 19. State v. McCoy, 174 N.C. App. 105, 620 S.E.2d 863 (2005).</p> <p>APPLIED in State v. Wampler, 145 N.C. App. 127, 549 S.E.2d 563 (2001).</p> <p>CITED in 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).</p>

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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>Chapter 2919. Offenses Against The Family Domestic Violence 2919.251 Factors to be considered when setting bail; bail schedule; appearance by video conferencing equipment</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 Criminal Rule 46, 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, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;</p>

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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>§ 644. Assault--Assault and battery--Domestic abuse</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 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 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>

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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>163.187. Strangulation.</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>History:</p> <p>2003 c.577 § 2</p> <p>NOTES:</p> <p>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><u>CASE LAW:</u></p> <p>State v. Lazaro-Martinez, 207 Ore. App. 526 (2006) (Inapplicable appeals case that merely mentions defendant was convicted of strangulation under the statute in addition to other assault charges.)</p>

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State	Specification	Text
Virginia	Felony	<p>Title 18.2. Crimes and Offenses Generally Chapter 4. Crimes Against The Person Article 5. Robbery Va. Code Ann. § 18.2-58.1. Carjacking; penalty</p> <p>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.</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 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.</p> <p>Title 18.2. Crimes and Offenses Generally Chapter 4. Crimes Against The Person Article 5. Robbery § 18.2-58. How punished</p> <p>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.</p>

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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>9A.04.110. Definitions</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>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> <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>

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State	Specification	Text
Washington (Cont.)		<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 strangulation.</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 RCW 9.94A.835 or 13.40.135 is a class A felony.</p> <p>HISTORY:</p> <p>2007 c 79 § 2; 2003 c 53 § 64; 2001 2nd sp.s. c 12 § 355; 1997 c 196 § 2. Prior: 1988 c 266 § 2; 1988 c 206 § 916; 1988 c 158 § 2; 1987 c 324 § 2; 1986 c 257 § 5.</p> <p>NOTES:</p>

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State	Specification	Text
Washington (Cont.)		<p>FINDING -- 2007 C 79: "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>
West Virginia	<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>Article 2. Crimes Against The Person (Refs & Annos)</p> <p>§ 61-2-12. Robbery or attempted robbery; penalties</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 strangulation 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>

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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>SYNOPSIS: 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: strangulation and suffocation, and providing a penalty.</p> <p>NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <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>[*1] 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; [A> 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; <A] 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>

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State	Specification	Text
Wisconsin (Cont.)		<p>[*2] 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>[*3] 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; [A> A PETECHIA; <A] a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.</p> <p>[*4] 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), [A> 940.235, <A] 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>[*5] SECTION 5. 940.235 of the statutes is created to read:</p> <p>940.235 Strangulation 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>

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State	Specification	Text
Wisconsin (Cont.)		<p>[*6] 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, [A> 940.235, <A] 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>HISTORY: DATE OF ENACTMENT: MARCH 20, 2008 DATE OF PUBLICATION: APRIL 3, 2008</p> <p>SPONSOR: Lassa</p>