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Ohio's 16th Senate District

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Sponsor Testimony
Senate Bill 146
May 15, 2019

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 146, legislation that seeks to expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's nose or mouth.

This legislation is a re-introduction of Senate Bill 207 from the 132nd Ohio General Assembly that passed the Ohio Senate 30-0 on November 28, 2018. Our main goal is very straightforward--to classify strangulation from a misdemeanor to a felony. Strangulation is a major red flag for lethal domestic violence situations.

While all domestic violence cases deserve our attention, strangulation is a known indicator for increased risk of homicide. According to the Strangulation Training Institute, women who have been strangled by their partners are 750% more likely to be murdered than domestic violence victims who have not experienced strangulation.¹ Strangulation can cause injury to the brain resulting in permanent damage and even without externally visible injuries, a victim can die weeks after being strangled from internal injuries. During the last general assembly, the Founder and President of Forensic Healthcare Consulting testified:

Over the past 15 years there has been a growing body of research on strangulation as a lethal form of violence. There are many health consequences resulting from this type of injury. Only 6-10 seconds to unconsciousness, minutes to death, and victims that survive initially may die within 36 hours, and sometimes even later, due to the numerous internal injuries that can occur.

¹ https://ocvjc.org/news/danger-strangulation?utm_source=Active+Contacts&utm_campaign=140b04c6c7-EMAIL_CAMPAIGN_2017_03_24&utm_medium=email&utm_term=0_9216724637-140b04c6c7-82572345

If you were serving in the Ohio Senate when Senate Bill 207 was debated during the 132nd Ohio General Assembly, you may recall the testimony that was presented from advocates and survivors about the cases this legislation was designed to address. Some of their statements included:

“approximately 10 months prior to the attack that ultimately resulted in her murder, Monica was viciously strangled by her husband, Andre. Monica was sleeping when Andre abruptly woke her, and after attempting to exit her bedroom, he wrapped his arm around her throat, and put her into a choke hold. He pushed her down onto the ground and heartlessly continued to choke her until she was dizzy and unable to call for help. All five of their children were home at the time of this attack, and if their daughter, who was 12 years old at the time, hadn’t heard a scuffle, interrupted the attack, and called 911, we likely would have lost Monica that night.”

“What my wife and I didn’t know at that moment was the profound rage beaten into our daughter’s life several hours before. Her attacker kidnapped, raped, beat, and strangled her for over three hours in her apartment. He all but choked her to death three different times within those three hours, repeatedly raped her, and beat her senseless. He forced her to eat glass Christmas tree ornaments.”

“I believe if non-fatal strangulation had been a felony, my sister would have had enough time to gain strength and the self-confidence she needed to keep her husband away if he would have been given more time in jail and more consequences for his horrible actions. But he wasn’t and 10 months later my poor sister was stabbed more times than could be counted and 32 days later passed away from organ failure due to the significant blood loss from her multiple stab wounds.”

These are the situations this legislation is geared towards addressing—not random acts of horseplay or kids playing around.

The penalty for such a domestic violence offense, under the bill, is generally a felony of the third degree, and increases to a felony of the second degree if the offender has a prior conviction for domestic violence or for two or more offenses of violence. At either charging level, the bill requires a mandatory prison term within the sentencing range as specified under current law.

I have had the opportunity to speak with the sisters of one particular victim of strangulation. Amy Webber and Niki Miller shared the story of their sister, Monica, who was a victim of strangling by her husband.

On January 31, 2014, just 10 months prior to her murder, Monica was brutally strangled by her husband. The strangulation attack occurred while she was sleeping and their five young children were in the home. Their twelve year old daughter disrupted the attack and called 911 – probably saving Monica’s life that night. Her husband only served 11 days in jail on a misdemeanor domestic violence charge. Nine months later, Monica was stabbed multiple times and died the following month.

By changing the classification of strangulation from a misdemeanor to a felony, we will create a cooling off period that will significantly reduce the possibility of a second offense. Had strangulation been classified as a felony at the time Monica would have had a better opportunity to seek legal and medical assistance that could have provided her with the resources to ensure that she was a survivor and not a victim.

During the previous general assembly, this legislation received proponent testimony from several organizations and citizens including: The Ohio Domestic Violence Network; Action Ohio Coalition for Battered Women; Ohio Prosecuting Attorneys Association; numerous victims and advocates and the Fraternal Order of Police of Ohio, Inc.

We believe that Ohio should join the 47 other states that recognize the special dangers of strangulation and we encourage your favorable consideration of Senate Bill 146.

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary committee, thank you for the opportunity to present sponsor testimony on Senate Bill 146. We are happy to answer any questions that the committee might have.