

## TESTIMONY IN SUPPORT OF SB146

**To amend sections 2919.25, 2929.13, and 2929.14 of the Revised Code 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 throat or neck or blocking the family or household member's nose or mouth.**

**Sponsors: Senator Kunze, Senator Antonio**

Chairman Eklund, Vice Chairman Manning, Ranking Minority Member Thomas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony in support of Senate Bill 146. This legislation has the potential to positively influence the culture surrounding domestic violence strangulation in Ohio and ultimately help reduce domestic violence strangulation in our communities.

I joined the practice of law in May, 2009, and I began a career in criminal law in June, 2010. I served as a staff attorney at the Stark County Public Defender Office until March, 2014 when I began service as an assistant prosecuting attorney at the Wayne County Prosecutor's Office. From February, 2017 to September, 2018, I prosecuted all misdemeanor and felony domestic violence cases and misdemeanor sexual assault cases as the designated Violence Against Women Act (VAWA) prosecutor. During that time, I prosecuted 290 cases, and I met extensively with 253 victims. I participated in domestic violence and sexual assault training, and I trained law enforcement officers, SANE nurses, EMT's, and victim advocates in these areas as well. I am currently employed as the assistant law director in the City of Tallmadge in Summit County where a significant percentage of the cases I prosecute are misdemeanor domestic violence charges.

As a domestic violence assistant prosecutor, I face significant challenges specific to crimes of violence against family and household members. Of those I prosecuted as the VAWA prosecutor, victims were cooperative in about 47% of cases. Although due to the grant program, we increased the number of evidence-based prosecutions, many of the cases with uncooperative victims were still pled down and a small percentage dismissed. Victims have many valid reasons to hesitate to cooperate with prosecution; however, it is more difficult to hold the offender accountable without the victim's cooperation. A victim's hesitance to cooperate is strongly encouraged by the judicial system and its treatment of victims.

The most challenging aspect of prosecuting domestic violence is the pervasive culture and stigma surrounding domestic violence in the community. It is communicated strongly in prospective juror comments, jury verdicts, judicial comments and rulings, and sentences. In general, the public and the bench do not appear to view domestic violence as a social problem and either do not view it as dangerous or do not care, even when the violence involves strangulation. Oftentimes, victim blaming is rampant and more influential than the defendant's actions. A lack of education about strangulation and its effects often results in unjust outcomes in court. In one misdemeanor domestic violence jury trial, the jury found the defendant not guilty after he struck, strangled, and pushed his ex-wife in front of a group of people including two of their minor

children. The jurors reported they did not believe the defendant acted knowingly; he was only acting out of anger after the victim engaged him in an argument. I have heard prospective jurors say they will not convict unless they see bloody pictures. I have heard jurors explain a not guilty verdict of domestic violence by strangulation because the victim did not sound afraid enough on the 911 call. Perhaps the most disconcerting is the attitude of many judges toward domestic violence. In one case, the defendant pled guilty to felony domestic violence. The victim was not cooperative despite overwhelming evidence of the assault including photographs of her black eye and independent witnesses. After hesitantly accepting the defendant's guilty plea, the judge ignored the state's recommendation of a prison sentence and sentenced him to pay a fine and court costs. The judge cited the victim's failure to cooperate as the reason. In another case, the common pleas judges made premature judgments during pre-trials about the strength (or lack thereof) of the state's case without knowing the facts. During one pre-trial the judge laughed at the state's recommendation of a 15-year minimum prison sentence stating "15 years will be the ceiling." After finding the defendant guilty of most charges after trial, the judge sentenced him to 20 years in prison. Had we heeded to the judge's pressure, that dangerous defendant who almost killed his ex-wife would have been out of prison much sooner. The same judges discouraged us from pursuing evidence-based prosecutions by making disparaging comments and accusing us of wasting the jury's time. I have stood next to victims of domestic violence who are still black and blue while the judge interrogates them about why they stay, why they never called the police, and places equal blame on them, in front of the abuser, for the violence perpetuated against them. Recently, I recommended a 30 day jail sentence for a defendant who strangled his girlfriend. Knowing this particular court and its hesitance to order jail sentences, I reduced my initial recommendation by half. The judge scolded me for several minutes about recommending incarceration when the jail was full and repeatedly demanded I tell him where to incarcerate the defendant. "How dare you put this on me," he said.

These are a few examples from the trenches demonstrating why the judicial process is often dangerous, humiliating, and futile for the victim and empowering for the abuser. Holding abusers accountable is a vital ingredient to reducing domestic violence, and the current ignorance and/or apathy of the public and bench hinder the effort greatly. Strangulation is the most dangerous domestic violence act and continuing to classify it as a misdemeanor without mandatory incarceration is irresponsible.

Strangulation is more prevalent in domestic violence cases than the public is aware. Unfortunately, there lacks consistency in abuser accountability from jurisdiction to jurisdiction. In more progressive and populated communities, strangulation has been tried successfully as felonious assault. In more traditional communities, it is nearly impossible to successfully prosecute strangulation as a felony. This inconsistency is injustice. Victims, law enforcement, and prosecutors should be given the opportunity to try strangulation as a felony in every jurisdiction in Ohio despite the reluctance on the part of the bench and jury to accept it.

Classifying strangulation as a felony with a mandatory prison sentence will send a message to the public and bench that Ohio does not tolerate domestic violence. Based on my professional experience, there is a hesitance based on archaic cultural and social norms to acknowledge domestic violence and strangulation, prioritize its prevention, and treat victims with dignity and respect. Finally, we as a nation are beginning to acknowledge domestic violence strangulation as dangerous problem. Ohio is one of two states holding back national progress in this regard.<sup>1</sup> We should not adopt this legislation solely because forty-eight other states recognized the importance of strangulation prevention. We should adopt it because it is the right thing to do. With this bold statement, the culture may change, and we may finally be able to reduce domestic violence strangulation in our communities.

Sincerely,

Melody L. Briand  
Assistant Law Director  
City of Tallmadge

---

<sup>1</sup> See attached table of research and summary regarding felony strangulation laws in each state.

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Alabama	Class B Felony (no less than 2 years and no more than 20 years)	<p style="text-align: center;"><b>ALA. CODE § 13A-6-138 (2012) – Domestic violence by strangulation or suffocation</b></p> <p>(a) For the purposes of this section, the following terms have the following meanings:</p> <ol style="list-style-type: none"> <li>1) 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>2) 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.</li> </ol> <p>(b) A person commits the crime of domestic violence by strangulation or suffocation if he or she 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 victim, as the term is defined in Section 13A-6-139.1.</p> <p>(c) Domestic violence by strangulation or suffocation is a Class B felony punishable as provided by law.</p> <p style="text-align: center;"><b>ALA. CODE § 13A-6-23 - Menacing</b></p> <p>(a) A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.</p> <p>(b) Menacing is a Class B misdemeanor.</p> <p style="text-align: center;"><b>ALA. CODE § 13A-6-139.1 - Definitions</b></p> <p>(3) VICTIM. An individual who is related to the person who commits an act of domestic violence in any of the following ways:</p> <ol style="list-style-type: none"> <li>a. Is related by marriage to the defendant, including a common law marriage.</li> <li>b. Had a former marriage or common law marriage with the defendant.</li> <li>c. Has a child in common with the defendant regardless of whether the victim or defendant have ever been married and regardless of whether they are currently residing or have in the past resided together in the same household.</li> <li>d. Has or had a dating relationship with the defendant.</li> <li>e. Is a current or former household member. A household member is a person maintaining or having maintained a living arrangement with the defendant where he or she is in, or was engaged in, a romantic or sexual relationship.</li> <li>f. A relative of a current or former household member as defined in paragraph e. who also lived with the defendant.</li> <li>g. An individual who is a parent, stepparent, child, or stepchild and who is in or has maintained a living arrangement with the defendant.</li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Alaska	Class A Felony (up to 20 years prison)	<p style="text-align: center;"><b>ALASKA STAT. § 18.66.990(3) – Definitions</b></p> <p>(3) “domestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:</p> <ul style="list-style-type: none"> <li>(A) a crime against the person under AS 11.41;</li> <li>(B) burglary under AS 11.46.300 – 11.46.310;</li> <li>(C) criminal trespass under AS 11.46.320 – 11.46.330;</li> <li>(D) arson or criminally negligent burning under AS 11.46.400 – 11.46.430;</li> <li>(E) criminal mischief under AS 11.46.475 – 11.46.486;</li> <li>(F) terrorist threatening under AS 11.56.807 or 11.56.810;</li> <li>(G) violating a protective order under AS 11.56.740(A)(1);</li> <li>(H) harassment under AS 11.61.120(a)(2) – (4); or</li> <li>(I) cruelty to animals under AS 11.61.140(A)(5) if the animal is a pet;</li> </ul> <p style="text-align: center;"><b>ALASKA STAT. § 11.81.900(b)(15) – Definitions</b></p> <p>(15) “dangerous instrument” means</p> <ul style="list-style-type: none"> <li>A) any deadly weapon or anything that, under the circumstances in which it is used, or threatened to be used, is capable of causing death or serious physical injury; or</li> <li>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</li> </ul> <p style="text-align: center;"><b>ALASKA STAT. § 11.41.200 (2009) – Assault in the First Degree</b></p> <p>(a) A person commits the crime of assault in the first degree if</p> <ul style="list-style-type: none"> <li>1) That person recklessly causes serious physical injury to another by means of a dangerous instrument;</li> <li>2) With the intent to cause serious physical injury to another, the person causes serious physical injury to any person;</li> <li>3) The person knowingly engages in conduct that results in serious physical injury to another under circumstances manifesting extreme indifference to the value of human life; or</li> <li>4) That person recklessly causes serious physical injury to another by repeated assaults using a dangerous instrument, even if each assault individually does not cause serious physical injury.</li> </ul> <p>(b) Assault in the first degree is a class A felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<b>Alaska (cont.)</b>	Class B Felony (up to 10 years prison)	<p style="text-align: center;"><b>ALASKA STAT. § 11.41.210 (2009) – Assault in the Second Degree</b></p> <p>(a) A person commits the crime of assault in the second degree if</p> <ol style="list-style-type: none"> <li>1) With intent to cause physical injury to another person, that person causes physical injury to another person by means of a dangerous instrument;</li> <li>2) That person recklessly causes serious physical injury to another person; or</li> <li>3) That person recklessly causes serious physical injury to another by repeated assaults, even if each assault individually does not cause serious physical injury.</li> </ol> <p>(b) Assault in the second degree is a class B felony.</p>
	Class C Felony (up to 5 years prison)	<p style="text-align: center;"><b>ALASKA STAT. § 11.41.220 (2009) – Assault in the Third Degree</b></p> <p>A. A person commits the crime of assault in the third degree if that person</p> <ol style="list-style-type: none"> <li>a) Recklessly <ol style="list-style-type: none"> <li>a) Places another person in fear of imminent serious physical injury by means of a dangerous instrument;</li> <li>b) Causes physical injury to another person by means of a dangerous instrument; or</li> <li>c) While being 18 years of age or older <ol style="list-style-type: none"> <li>i. Causes physical injury to a child under 10 years of age and the injury would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment;</li> <li>ii. Causes physical injury to a child under 10 years of age on more than one occasion;</li> </ol> </li> </ol> </li> <li>b) With intent to place another person in fear of death or serious physical injury to the person or the person’s family member makes repeated threats to cause death or serious physical injury to another person;</li> <li>c) While being 18 years of age or older, knowingly causes physical injury to a child under 16 years of age but at least 10 years of age and the injury reasonably requires medical treatment; or</li> <li>d) With criminal negligence causes serious physical injury under AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument.</li> </ol> <p>B. In a prosecution under (a)(3) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be 16 years of age or older, unless the victim was under 13 years of age at the time of the alleged offense.</p> <p>C. In this section, “the person’s family member” means</p> <ol style="list-style-type: none"> <li>a) A spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the person, whether related by blood, marriage, or adoption;</li> <li>b) A person who lives or has lived, in a spousal relationship with the person;</li> <li>c) A person who lives in the same household as the person; or</li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Alaska (cont.)	Class A Misdemeanor (up to 1 year jail)	<p style="text-align: center;">d) A person who is a former spouse of the person or is or has been in a dating, courtship, or engagement relationship with the person.</p> <p>D. Assault in the third degree is a class C felony.</p> <p style="text-align: center;"><b>ALASKA STAT. § 11.41.230 (2009) – Assault in the Fourth Degree</b></p> <p>(a) A person commits the crime of assault in the fourth degree if</p> <ol style="list-style-type: none"> <li>1) That person recklessly causes physical injury to another person;</li> <li>2) With criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or</li> <li>3) By words or other conduct that person recklessly places another person in fear of imminent physical injury.</li> </ol> <p>(b) Assault in the fourth degree is a class A misdemeanor.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Arizona	Class 4 Felony (Up to 3.75 years prison)	<p style="text-align: center;"><b>ARIZ. REV. STAT. § 13-1204(B) (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 exist that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5, or 6.</li> </ol> <p style="text-align: center;"><b>ARIZ. REV. STAT § 13-3601(A)(1-6) – Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</b></p> <p>A. "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-708 or an offense prescribed in section 13-1102, 13-1103, 13-1104,13-1105, 13-1201, 13-1202, 13-1203, <b>13-1204</b>, 13-1406, 13-1425, 13-1502,013-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:</p> <ol style="list-style-type: none"> <li>1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.</li> <li>2. The victim and the defendant have a child in common.</li> <li>3. The victim or the defendant is pregnant by the other party.</li> <li>4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.</li> <li>5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.</li> <li>6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: <ol style="list-style-type: none"> <li>a. The type of relationship.</li> <li>b. The length of the relationship.</li> <li>c. The frequency of the interaction between the victim and the defendant.</li> <li>d. If the relationship was terminated, the length of time since the termination.</li> </ol> </li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Arkansas	Class D Felony (Up to 6 years prison)	<p style="text-align: center;"><b>ARK. CODE ANN. 5-13-204 (2009) – Aggravated Assault</b></p> <p>(a) A person commits aggravated assault if, under circumstances manifesting extreme indifference to the value of human life, he or she purposely:</p> <ol style="list-style-type: none"> <li>1) Engages in conduct that creates a substantial danger of death or serious physical injury to another person;</li> <li>2) Displays a firearm in such a manner that crates a substantial danger of death or serious physical injury to another person; or</li> <li>3) Impedes or prevents the respiration of another person or the circulation of another person’s blood by applying pressure on the throat or neck or by blocking the nose or mouth of the other person.</li> </ol> <p>(b) Aggravated assault is a Class D felony.</p> <p>(c) The provisions of this section to not apply to:</p> <ol style="list-style-type: none"> <li>1) A law enforcement officer acting within the scope of his or her duty; or</li> <li>2) A person acting in self-defense or the defense of a third party.</li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
California	Felony with Enhancement (2, 3, or 4 years prison; or up to 1 year jail)	<p style="text-align: center;"><b>CAL. PENAL CODE § 273.5 (2017) – Willful Infliction of Corporal Injury; Violation; Punishment</b></p> <p>(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand (\$6,000), or by both that fine and imprisonment.</p> <p>(b) Subdivision (a) shall apply if the victim is or was one or more of the following:</p> <ol style="list-style-type: none"> <li>1) The offender’s spouse or former spouse.</li> <li>2) The offender’s cohabitant or former cohabitant.</li> <li>3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.</li> <li>4) The mother or father of the offender’s child.</li> </ol> <p>(c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.</p> <p>(d) As used in this section, “traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.</p> <p>(e) For the purpose of this section, a person shall be considered the father or mother of another person’s child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.</p> <p>(f) (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000). (2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (f) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$10,000), or by both that imprisonment and fine.</p> <p>(g) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.</p> <p>(h) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation:</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
California (cont.)		<p>1) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days.</p> <p>2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days.</p> <p>3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.</p> <p>(i) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:</p> <p>1) That the defendant make payments to a battered women’s shelter, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.</p> <p>2) (A) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant’s offense. (B) For any order to pay a fine, make payments to a battered women’s shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant’s ability to pay. An order to make payments to a battered women’s shelter shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a person who is married to in a registered domestic partnership is caused in whole or in part by the criminal acts of his or her spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner is exhausted.</p> <p>(j) Upon conviction under subdivision (a), the sentencing court shall also consider issuing a an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.</p> <p>(k) If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the victim of his or her right to make a citizen’s arrest pursuant to subdivision (b) of Section 836.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<b>Colorado</b>	<p>Class 3 Felony – serious bodily injury (mandatory minimum 10 years to 32 years prison)</p> <p>Class 4 Felony – bodily injury (mandatory minimum 5 years to 16 years prison)</p>	<p style="text-align: center;"><b>COLO. REV. STAT. 18-3-202 (2016) – Assault in the first degree</b></p> <p>(1) A person commits the crime of assault in the first degree if:</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 80px;">g) With the intent to cause serious bodily injury, he or she applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes serious bodily injury.</p> <p>(2) (a) If assault in the first degree is committed under circumstances where the act causing the injury is performed upon a sudden heat of passion, caused by a serious and highly provoking act of the intended victim, affecting the person causing the injury sufficiently to excite an irresistible passion in a reasonable person, and without an interval between the provocation and the injury sufficient for the voice of reason and humanity to be heard, it is a class 5 felony. (b) If assault in the first degree is committed without the circumstances provided in paragraph (a) of this subsection (2), it is a class 3 felony. (c) If a defendant is convicted of assault in the first degree pursuant to subsection (1) of this section, the court shall sentence the defendant in accordance with the provisions of section 18-1.3-406.</p> <p style="text-align: center;"><b>COLO. REV. STAT. 18-3-203 (2016) – Assault in the second degree</b></p> <p>(1) A person commits the crime of assault in the second degree if:</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 80px;">(i) With the intent to cause bodily injury, he or she applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes bodily injury.</p> <p>(2) (a) If assault in the second degree is committed under circumstances where the act causing the injury is performed upon a sudden heat of passion, caused by a serious and highly provoking act of the intended victim, affecting the person causing the injury sufficiently to excite an irresistible passion in a reasonable person, and without an interval between the provocation and the injury sufficient for the voice of reason and humanity to be heard, it is a class 6 felony. (b) If assault in the second degree is committed without the circumstances provided in paragraph (a) of this subsection (2), it is a class 4 felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<b>Connecticut</b>	Class C Felony (1-10 years prison)	<p style="text-align: center;"><b>CONN. GEN. STAT. § 53a-64aa. (2007) – Strangulation in the first degree</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 of section 53a-64bb.</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 first degree is a class C felony.</p>
	Class D Felony (1-5 years prison)	<p style="text-align: center;"><b>CONN. GEN. STAT. § 53a-64bb. (2007) – Strangulation in the second degree</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>
	Class A Misdemeanor (up to 1 year jail)	<p style="text-align: center;"><b>CONN. GEN. STAT. § 53a-64cc. (2007) – Strangulation in the third degree</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 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 third degree is a class A misdemeanor.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Delaware	<p>Class E Felony (Up to 5 years prison)</p> <p>Class D Felony (Up to 8 years prison)</p>	<p style="text-align: center;"><b>DEL. CODE ANN. § 11-607 (2010) – Strangulation; penalty; affirmative defense</b></p> <p>(a)(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.</p> <p>(2) Except as provided in paragraph (a)(3) of this section, strangulation is a class E felony.</p> <p>(3) Strangulation is a class D felony if:</p> <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> <p>(c) It is an affirmative defense that an act constituting strangulation was the result of a legitimate medical procedure.</p>
District of Columbia	NONE	NONE

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Florida	Third Degree Felony (Up to 5 years prison)	<p style="text-align: center;"><b>FLA. STAT. § 784.041 (2007) – Felony battery; domestic battery by strangulation</b></p> <ol style="list-style-type: none"> <li>1) A person commits felony batter if he or she:               <ol style="list-style-type: none"> <li>a) Actually or 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> </ol> </li>   <li>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.               <ol style="list-style-type: none"> <li>b) As used in this subsection, the term:                   <ol style="list-style-type: none"> <li>1. “Family or household member” has the same meaning as in § 741.28.</li> <li>2. “Dating relationship” means a continuing and significant relationship of a romantic or intimate nature.</li> </ol> </li> </ol> </li>   <li>3) A person who commits felony battery or domestic battery by strangulation commits a felony of the third degree, punishable as provided in § 775.082, 775.083, or 775.084.</li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Georgia	Felony (1-20 years prison)	<p style="text-align: center;"><b>GA. CODE ANN. § 16-5-21 (2014) – Aggravated Assault</b></p> <p>(a) A person commits the offense of aggravated assault when he or she assaults:</p> <ol style="list-style-type: none"> <li>1. With intent to murder, to rape, or to rob;</li> <li>2. With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury;</li> <li>3. With any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in strangulation; or</li> <li>4. A person or persons without legal justification by discharging a firearm from within a motor vehicle toward a person or persons.</li> </ol> <p>(b) Except as provided in subsections (c) through (k) of this Code section, a person convicted of the offense of aggravated assault shall be punished by imprisonment for not less than one nor more than 20 years.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Hawaii	Class C Felony (Up to 5 years prison)	<p style="text-align: center;"><b>HAW. REV. STAT. §§ 709-906 (2006) – 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 purpose of this section: *** “Family or household member:”</p> <p>(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, 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; and</p> <p>(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation. ***</p> <p>(8) Where the physical abuse consists of intentionally or knowingly impeding the normal breathing or circulation of the blood of the family or household member by applying pressure on the throat or the neck, abuse of a family or household member is a class C felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Idaho	Felony (Up to 15 years prison)	<p style="text-align: center;"><b>IDAHO CODE ANN. § 18-923 (2018) – Attempted Strangulation</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2) No injuries are required to prove attempted strangulation.</li> <li>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.</li> <li>4) “Household member” assumes the same definition as set forth in section 18-918(1)(a), Idaho Code.</li> <li>5) “Dating relationship” assumes the same definition as set forth in section 39-6303(2), Idaho Code.</li> <li>6) Any person who pleads guilty to or is found guilty of a violation of this section shall undergo an evaluation, counseling and other treatment as provided in section 18-918(7), Idaho Code.</li> </ol>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Illinois	Class A Misdemeanor (generally)	<p style="text-align: center;"><b>720 ILL. COMP. STAT. 5/12-3.2 – Domestic battery</b></p> <p>(a) A person commits domestic battery if he or she knowingly without legal justification by any means:</p> <ol style="list-style-type: none"> <li>(1) causes bodily harm to any family or household member;</li> <li>(2) makes physical contact of an insulting or provoking nature with any family or household member.</li> </ol> <p>(b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for violation of an order of protection (Section 12-3.4 or 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member. Domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under this Code for domestic battery (Section 12-3.2), or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2), or 3 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior convictions under this Code for domestic battery (Section 12-3.2), or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.</p> <p>(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Illinois (cont.)	Class 2 Felony (60 days minimum if probation ordered; 3-7 years prison with enhancement)	<p>battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 18 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within or visiting the household of the defendant or victim.</p> <p>(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of 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 style="text-align: center;"><b>720 ILL. COMP. STAT. 5/12-3.3 (2017) – 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</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Illinois (cont.)	Class A Misdemeanor	<p>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 style="text-align: center;"><b>720 ILL. COMP. STAT. 5/12-3 – Battery</b></p> <p>(a) A person commits battery if he or she knowingly without legal justification by any means:</p> <ul style="list-style-type: none"> <li>(1) causes bodily harm to an individual or</li> <li>(2) makes physical contact of an insulting or provoking nature with an individual.</li> </ul> <p>(b) Sentence. Battery is a Class A misdemeanor.</p>
	Class 3 Felony (2-5 years prison with enhancement)	<p style="text-align: center;"><b>720 ILCS 5/12-3.05 – 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>***</p> <ul style="list-style-type: none"> <li>(5) Strangles another individual.</li> </ul> <p>***</p> <p>(h) Sentence. Unless otherwise provided, aggravated batter is a Class 3 felony.</p> <p>(i) Definitions. For the purposes of this Section:</p> <p>***</p> <p>“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  
State-by-State Analysis  
May 2019

State	Classification	Text
Iowa	<p>Aggravated Misdemeanor (Up to 2 years jail)</p> <p>Class D Felony (Up to 5 years prison)</p>	<p><b>IOWA CODE § 708.2A (2012) – Domestic abuse assault – mandatory minimums, penalties enhanced – extension of no-contact order</b></p> <p>1. For the purposes of this chapter, “domestic abuse assault” means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph “a”, “b”, “c”, or “d.”</p> <p>2. On a first offense of domestic abuse assault, the person commits:</p> <p>***</p> <p style="padding-left: 40px;">d. An aggravated misdemeanor, if the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.</p> <p>***</p> <p>5. For a domestic abuse assault committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury, the person commits a class “D” felony.</p> <p style="text-align: center;"><b>IOWA CODE § 708.1 – Assault defined</b></p> <p>1. An assault as defined in this section is a general intent crime.</p> <p>2. A person commits an assault when, without justification, the person does any of the following:</p> <p style="padding-left: 40px;">a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.</p> <p style="padding-left: 40px;">b. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.</p> <p style="padding-left: 40px;">c. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.</p> <p>***</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Kansas	Level 7 Person Felony (Presumptive Probation with Enhancement Possibility)	<p style="text-align: center;"><b>KAN. STAT. ANN. § 21-5414 (2017) – Domestic battery; aggravated domestic battery</b></p> <p>(a) Domestic battery is:</p> <p style="padding-left: 40px;">(1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or</p> <p style="padding-left: 40px;">(2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting, or angry manner.</p> <p>(b) Aggravated domestic battery is:</p> <p style="padding-left: 40px;">(1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting, or angry manner; or</p> <p style="padding-left: 40px;">(2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.</p> <p>(c)</p> <p style="padding-left: 40px;">(1) ***</p> <p style="padding-left: 40px;">(2) Aggravated domestic battery is a severity level 7, person felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Kentucky	Class C Felony	<p style="text-align: center;"><b>KRS Chapter 508, New Section (2019) – Strangulation in the first and second degree</b></p> <p>SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:</p> <p>(1) A person is guilty of strangulation in the first degree when the person, without consent, intentionally 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) Strangulation in the first degree is a Class C felony.</p>
	Class D Felony	<p>SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:</p> <p>(1) A person is guilty of strangulation in the second degree when the person, without consent, wantonly 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) Strangulation in the second degree is a Class D felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Louisiana	Felony (Up to 3 years, at hard labor, prison)	<p style="text-align: center;"><b>LA. REV. STAT. ANN. § 14:35.3 (2007) – Domestic abuse battery</b></p> <p>A. Domestic abuse battery is the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member.</p> <p>B. For the purpose of this Section: ***  <p style="padding-left: 40px;">(7) “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>***</p> <p>L. Notwithstanding any provision of law to the contrary, if the domestic abuse battery involves strangulation, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.</p> </p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Maine	Class B Crime (up to 10 years prison)	<p style="text-align: center;"><b>ME REV. STAT. ANN. tit. 17-A, §208 (2012) – Aggravated assault</b></p> <p>1. A person is guilty of aggravated assault if that person intentionally, knowingly or recklessly causes:</p> <p style="padding-left: 20px;">A. Bodily injury to another that creates a substantial risk of death or extended convalescence necessary for recovery of physical health. Violation of this paragraph is a Class B crime;</p> <p style="padding-left: 20px;">A-1. Bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. Violation of this paragraph is a Class A crime;</p> <p style="padding-left: 20px;">B. Bodily injury to another with use of a dangerous weapon. Violation of this paragraph is a Class B crime; or</p> <p style="padding-left: 20px;">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. Violation of this paragraph is a Class B crime.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<b>Maryland</b>	<p>Felony Rape in the First Degree (Up to life without parole in prison)</p> <p>Felony Sexual Offense in the Third Degree (up to 10 years prison)</p>	<p style="text-align: center;"><b>MD. CODE ANN., Criminal Law § 3-303(a) (2007) – Rape in the first degree</b></p> <p>(a) A person may not:</p> <p style="padding-left: 40px;">(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and</p> <p style="padding-left: 40px;">(2) ***</p> <p style="padding-left: 80px;">(ii) 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;">(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> <p style="text-align: center;"><b>MD. CODE ANN., Criminal Law § 3-307 (2007) – Sexual Offense in the third degree</b></p> <p>(a) 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) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a danger weapon;</p> <p style="padding-left: 80px;">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, disfigurement, serious physical injury, or kidnapping; or</p> <p style="padding-left: 80px;">4. commit the crime while aided and abetted by another.</p> <p>***</p> <p>(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Massachusetts	Felony (up to 5 years prison with possible enhancement)	<p style="text-align: center;"><b>MASS. GEN. LAWS ch. 265 § 15D. (2014) – Strangulation or Suffocation; Penalty; Aggravating Factors; Batterer’s Intervention Program</b></p> <p>(a) For the purposes of this section the following words shall have the following meanings unless he context clearly indicates otherwise:</p> <p>“Serious bodily injury.” Body injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ or creates a substantial risk of death.</p> <p>“Strangulation.” The intentional interference of the normal breathing or circulation of blood by applying substantial pressure on the throat or neck of another.</p> <p>“Suffocation.” The intentional interference of the normal breathing or circulation of blood by blocking the nose or mouth of another.</p> <p>(b) Whoever strangles or suffocates another person shall be punished by imprisonment in state prison for not more than 5 years or in the house of correction for not more than 2 ½ years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.</p> <p>(c) Whoever: (i) strangles or suffocates another person and by such strangulation or suffocation causes serious bodily injury; (ii) strangles or suffocates another person, who is pregnant at the time of such strangulation or suffocation, knowing or having reason to know that the person is pregnant; (iii) convicted of strangling or suffocating another person after having been previously convicted of the crime of strangling or suffocating another person under this section, or of a like offense in another state or the United States or a military, territorial or Indian tribal authority; or (iv) strangles or suffocates another person, with knowledge that the individual has an outstanding temporary or permanent vacate, restraining, or no contact order or judgment issued under sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4, or 5 of chapter 209A or sections 15 or 20 of chapter 209C in effect against such person at the time the offense is committed, shall be punished by imprisonment in state prison for not more than 10 years, or in the house of correction for not more than 2 ½ years, and by a fine of not more than \$10,000.</p> <p>(d) For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer’s intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer’s intervention should not be ordered or unless the batterer’s intervention program determines that the defendant is not suitable for intervention.</p>



STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Minnesota	Felony (up to 3 years prison)	<p style="text-align: center;"><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>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Mississippi	Felony (2-20 years prison with possible enhancement)	<p style="text-align: center;"><b>MISS. CODE ANN. § 97-3-7(4) (2010) – Simple and aggravated assault; simple and aggravated domestic violence</b></p> <p>(4)(a) When the offense is committed against 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, a 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, a person is guilty of aggravated domestic violence who:</p> <p>***</p> <p style="padding-left: 40px;">(iii) Strangles, or attempts to strangle another.</p> <p>Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.</p> <p>***</p> <p>(9) For purposes of this section:</p> <p style="padding-left: 20px;">(a) “Strangle” means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.</p> <p style="padding-left: 20px;">(b) “Dating relationship” means a social relationship as defined in Section 93-21-3.</p>

STRANGULATION LAWS  
 State-by-State Analysis  
 May 2019

State	Classification	Text
Missouri	Class D Felony	<p style="text-align: center;"><b>Mo. REV. STAT. § 565.073 (2000) – Domestic assault, second Degree – penalty</b></p> <p>1. A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and he or she:</p> <ul style="list-style-type: none"> <li>(1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or</li> <li>(2) Recklessly causes serious physical injury to such domestic victim; or</li> <li>(3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> </ul> <p>2. The offense of domestic assault in in the second degree is a class D felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Montana	Felony (Up to 5 years in prison with possible enhancement)	<p style="text-align: center;"><b>MONT. CODE ANN. § 45-5-215 (2017)– Strangulation of partner or family member</b></p> <p>(1) A person commits the offense of strangulation of a partner or family member if the person purposely or knowingly impedes the normal breathing or circulation of the blood of a partner or family member by:</p> <ul style="list-style-type: none"> <li>(a) applying pressure on the throat or neck of the partner or family member; or</li> <li>(b) blocking air flow to the nose and mouth of the partner or family member.</li> </ul> <p>(2) (a) A person convicted of a first offense of strangulation of a partner or family member shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both. (b) A person convicted of a second or subsequent offense under this section shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined an amount not more than \$50,000, except as provided in 46-18-219 and 46-18-222.</p> <p>(3) A person convicted of strangulation of a partner or family member is required to pay for a complete a counseling assessment as required in 45-5-206(4).</p> <p>(4) For the purposes of this section, “partner” and “family member” have the meanings provided in 45-5-206.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Nebraska	Class IIIA Felony (Up to 3 years prison)  Class IIA Felony (Up to 20 years prison)	<p style="text-align: center;"><b>NEB. REV. STAT. § 28-310.01 (2004) – 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 IIIA felony.</p> <p>(3) Strangulation is a Class IIA 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>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Nevada	Category C Felony (1-5 years prison)	<p style="text-align: center;"><b>NEV. REV. STAT. § 200.481 (2009) – Battery: Definitions; penalties</b></p> <p>1. As used in this section:</p> <p style="padding-left: 40px;">(a) “Battery” means any willful and unlawful use of force or violence upon the person of another. ***</p> <p style="padding-left: 40px;">(i) “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 style="padding-left: 40px;">(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>
	Category A Felony (Life without parole or Life with parole after minimum 10 years prison)	<p style="text-align: center;"><b>NEV. REV. STAT. § 200.400 – Battery With Intent to Commit a Crime: Definitions; penalties</b></p> <p>1. As used in this section:</p> <p style="padding-left: 40px;">(a) “Battery” means any willful and unlawful use of force or violence upon the person of another. ***</p> <p style="padding-left: 40px;">(b) “Strangulation” has the meaning ascribed to it in NRS 200.481. ***</p> <p>4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:</p> <p style="padding-left: 40px;">(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 style="padding-left: 80px;">(1) For life without the possibility of parole; or</p> <p style="padding-left: 80px;">(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served. ***</p>
	Category C Felony (1-5 years prison)	<p style="text-align: center;"><b>NEV. REV. STAT. § 200.485 – Battery which constitutes domestic violence</b></p> <p>2. Unless a greater penalty is provided pursuant to subsection 3 or 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 193.130 and by a fine of not more than \$15,000.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<p style="text-align: center;"><b>New Hampshire</b></p>	<p>Class B Felony (3 ½ - 7 years prison)</p>	<p style="text-align: center;"><b>N.H. REV. STAT. ANN. § 631:2 (2018) – Second Degree Assault</b></p> <p>I. A person is guilty of a class B felony if she 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> <p>III.     (a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as “second degree assault-domestic violence.”</p> <p>          (b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction recorded as “second degree assault – domestic violence” under this paragraph. The court shall not reduce or suspend any sentence or the payment of any fine imposed under this paragraph and no fine imposed under this paragraph shall be subject to an additional penalty assessment. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this paragraph.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
New Jersey	Third Degree Crime (3-5 years prison)	<p style="text-align: center;"><b>N.J. REV. STAT. § 2C:12-1 (2017) – Assault</b></p> <p>a. Simple assault. A person is guilty of assault if he:</p> <ul style="list-style-type: none"> <li>(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or</li> <li>(2) Negligently causes bodily injury to another with a deadly weapon; or</li> <li>(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.</li> </ul> <p>***</p> <p>b. Aggravated assault. A person is guilty of aggravated assault if he:</p> <p>***</p> <ul style="list-style-type: none"> <li>(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L. 1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.</li> </ul> <p>***</p> <p>Aggravated assault under paragraph (12) or (13) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
New Mexico	Third Degree Felony (Up to 3 years prison)	<p style="text-align: center;"><b>N.M. STAT. § 30-3-16 (2018) – Aggravated battery against a household member</b></p> <p>A. Aggravated battery against a household member consists of the unlawful touching or application of force to the person of a household member with intent to injure that person or another.</p> <p>B. Whoever commits aggravated battery against a household member is guilty of a misdemeanor if the aggravated battery against a household member is committed by inflicting injury to that person that is not likely to cause death or great bodily harm, but that does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body.</p> <p>C. Whoever commits aggravated battery against a household member is guilty of a third degree felony if the aggravated battery against a household member is committed:</p> <ol style="list-style-type: none"> <li>(1) by inflicting great bodily harm;</li> <li>(2) with a deadly weapon;</li> <li>(3) by strangulation or suffocation; or</li> <li>(4) in any manner whereby great bodily harm or death can be inflicted.</li> </ol> <p>D. Upon conviction pursuant to Subsection B of this section, an offender shall be required to participate in and complete a domestic violence offender treatment or intervention program approved by the children, youth and families department pursuant to rules promulgated by the department that define the criteria for such programs.</p> <p>E. Notwithstanding any provision of law to the contrary, if the sentence imposed pursuant to the provisions of Subsection B of this section is suspended or deferred in whole or in part, the period of probation may extend beyond three hundred sixty-four days but may not exceed two years. If an offender violates a condition of probation, the court may impose any sentence that the court could originally have imposed and credit shall not be given for time served by the offender on probation; provided that the total period of incarcerations shall not exceed three hundred sixty-four days and the combined period of incarceration and probation shall not exceed two years.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
<b>New York</b>	Class A Misdemeanor (Up to 1 year jail)	<p style="text-align: center;"><b>N.Y. PENAL CODE § 121.11 (2010) – 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> <ol 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> </ol> <p>Criminal obstruction of breathing or blood circulation is a Class A misdemeanor</p>
	Class D Felony (2-7 years prison)	<p style="text-align: center;"><b>N.Y. PENAL CODE § 121.12 (2010) – 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>
	Class C Felony (3 ½ - 15 years prison)	<p style="text-align: center;"><b>N.Y. PENAL CODE § 121.13 (2010) – 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 style="text-align: center;"><b>N.Y. PENAL CODE § 121.14 (2010) – Medical or dental purpose</b></p> <p>For purposes of sections 121.11, 121.12 and 121.13 of this article, it shall be an affirmative defense that the defendant performed such conduct for a valid medical or dental purpose.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
North Carolina	Class H Felony (4-25 months prison)	<p style="text-align: center;"><b>N.C. GEN. STAT. § 14-32.4 (2004) – 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>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
North Dakota	Class C Felony (Up to 5 years prison)	<p style="text-align: center;"><b>N.D. CENT. CODE § 12.1-17-02 – Aggravated assault</b></p> <p>1. Except as provided in subsection 2, a person is guilty of a class C felony if that person:</p> <ul style="list-style-type: none"> <li>a. Willfully causes serious bodily injury to another human being; ***</li> <li>c. Causes bodily injury or substantial bodily injury to another human being while attempting to inflict serious bodily injury on any human being; ***</li> </ul> <p style="text-align: center;"><b>N.D. CENT. CODE § 12.1-01-04.27 – General definitions</b></p> <p>As used in this title, unless a different meaning plainly is required: ***</p> <p>27. “Serious bodily injury” means bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone fracture, or impediment of air flow or blood flow to the brain or lungs.</p>
Ohio	NONE	NONE

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Oklahoma	Felony (1-3 years prison with possible enhancement)	<p style="text-align: center;"><b>OKLA. STAT. tit. 12 § 644(J) (2004) – Punishment for Assault and Battery</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 for a violation of this section, 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. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. 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> <p style="text-align: center;"><b>OKLA. STAT. tit. 12 § 641 – Definition of Assault</b></p> <p>An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.</p> <p style="text-align: center;"><b>OKLA. STAT. tit. 12 § 642 – Definition of Battery</b></p> <p>A battery is any willful and unlawful use of force or violence upon the person of another.</p>





STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Rhode Island	Felony (Up to 10 years prison)	<p style="text-align: center;"><b>R.I. GEN. LAWS § 11-5-2.3 (2012) – Domestic Assault by Strangulation</b></p> <p>(a) Every person who shall make an assault or battery, or both, by strangulation, on a family or household member as defined in subsection 12-29-2(b), shall be punished by imprisonment for not more than ten (10) years.</p> <p>(b) Where the provisions of “The Domestic Violence Prevention Act,” chapter 29 of title 12, are applicable, the penalties for violation of this section shall include the penalties as provided in § 12-29-5.</p> <p>(c) “Strangulation” means knowingly and 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, with the intent to cause that person harm.</p>
South Carolina	NONE	NONE

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
South Dakota	Class 3 Felony	<p data-bbox="848 280 1661 310"><b>S.D. CODIFIED LAWS § 22-18-1.1 (2012) – Aggravated assault – Felony</b></p> <p data-bbox="516 354 722 383">Any person who:</p> <p data-bbox="516 386 569 407">***</p> <p data-bbox="516 423 1980 488">(8) Attempts to induce a fear of death or imminent serious bodily harm by impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck, or by blocking the nose and mouth;</p> <p data-bbox="516 529 1335 558">is guilty of aggravated assault. Aggravated assault is a Class 3 felony.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Tennessee	Class C Felony (3-15 years prison)	<p style="text-align: center;"><b>TENN. CODE ANN. § 39-13-102 (2015) – Aggravated Assault</b></p> <p>(a)(1) A person commits aggravated assault who:</p> <p style="padding-left: 40px;">(A) Intentionally or knowingly commits an assault as defined in § 39-13-101, and the assault:</p> <p style="padding-left: 80px;">(i) Results in serious bodily injury to another;</p> <p style="padding-left: 80px;">(ii) Results in the death of another;</p> <p style="padding-left: 80px;">(iii) Involved the use or display of a deadly weapon; or</p> <p style="padding-left: 80px;">(iv) Involved strangulation or attempted strangulation; or</p> <p style="padding-left: 40px;">(B) Recklessly commits an assault as defined in § 39-13-101(a)(1), and the assault:</p> <p style="padding-left: 80px;">(i) Results in serious bodily injury to another;</p> <p style="padding-left: 80px;">(ii) Results in the death of another; or</p> <p style="padding-left: 80px;">(iii) Involved the use or display of a deadly weapon.</p> <p>(2) For purposes of subdivision (a)(1)(A)(iv), “strangulation” means intentionally or knowingly 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, regardless of whether that conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.</p> <p>***</p> <p>(e)(1)(A) Aggravated assault under:</p> <p>***</p> <p style="padding-left: 80px;">(ii) Subdivision (a)(1)(A)(i), (iii), or (iv) is a Class C felony</p> <p>***</p> <p style="text-align: center;"><b>TENN. CODE ANN. § 39-13-101 – Assault</b></p> <p>(a) A person commits assault who:</p> <p style="padding-left: 40px;">(1) Intentionally, knowingly or recklessly causes bodily injury to another;</p> <p style="padding-left: 40px;">(2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or</p> <p style="padding-left: 40px;">(3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.</p> <p>***</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Texas	Third Degree Felony (2-10 years prison)	<p style="text-align: center;"><b>TEX. PENAL CODE ANN. § 22.01 (2009) – Assault</b></p> <p>(a) A person commits an offense if the person:</p> <ol style="list-style-type: none"> <li>(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person’s spouse;</li> <li>(2) intentionally or knowingly threatens another with imminent bodily injury, including the person’s spouse; or</li> <li>(3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.</li> </ol> <p>(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:</p> <ol style="list-style-type: none"> <li>(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;</li> <li>(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if: <ol style="list-style-type: none"> <li>(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or</li> <li>(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person’s throat or neck or by blocking the person’s nose or mouth;</li> </ol> </li> </ol>



STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Vermont	Felony (Up to 15 years prison)	<p style="text-align: center;"><b>Vt. STAT. ANN. tit. 13 § 1024 (2006) – Aggravated Assault</b></p> <p>(a) A person is guilty of aggravated assault if the person:</p> <ul style="list-style-type: none"> <li>(1) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life;</li> <li>(2) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon;</li> <li>(3) for a purpose other than lawful medical or therapeutic treatment, the person intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to the other person without the other person’s consent a drug, substance, or preparation capable of producing the intended harm;</li> <li>(4) with intent to prevent a law enforcement officer from performing a lawful duty, the person causes physician injury to any person; or</li> <li>(5) is armed with a deadly weapon and threatens to use the deadly weapon on another person.</li> </ul> <p>(b) A person found guilty of violating a provision of subdivision (a)(1) or (2) of this section shall be imprisoned for not more than 15 years or fined not more than \$10,000.00, or both.</p> <p>(c) A person found guilty of violating a provision of subdivision (a)(3), (4), or (5) of this section shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both.</p> <p>(d) Subdivision (a)(5) of this section shall not apply if the person threatened to use the deadly weapon:</p> <ul style="list-style-type: none"> <li>(1) in the just and necessary defense of this or her own life or the life of his or her husband, wife, civil union partner, parent, child, brother, sister, guardian, or person under guardianship;</li> <li>(2) in the suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery; or</li> <li>(3) in the case of a civil or military officer lawfully called out to suppress a riot or rebellion, prevent or suppress an invasion, or assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty.</li> </ul> <p>(e) Subsection (d) of this section shall not be construed to limit or infringe upon defenses granted at common law.</p>

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Vermont (cont.)		<p style="text-align: center;"><b>Vt. STAT. ANN. tit. 13 § 1021 – Definitions</b></p> <p>(a) As used in this chapter:</p> <p>(1) “Bodily injury” means physical pain, illness, or any impairment of physical condition.</p> <p>(2) “Serious bodily injury” means:</p> <p style="padding-left: 40px;">(A) bodily injury that creates any of the following:</p> <p style="padding-left: 80px;">(i) a substantial risk of death;</p> <p style="padding-left: 80px;">(ii) a substantial loss or impairment of the function of any bodily member or organ;</p> <p style="padding-left: 80px;">(iii) a substantial impairment of health; or</p> <p style="padding-left: 80px;">(iv) substantial disfigurement; or</p> <p style="padding-left: 40px;">(B) strangulation by 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>

STRANGULATION LAWS  
 State-by-State Analysis  
 May 2019

State	Classification	Text
Virginia	Class 6 Felony (1-5 years prison or up to 12 months jail)	<p style="text-align: center;"><b>VA. CODE ANN. § 18.2-51.6 (2012) – Strangulation of another; penalty</b></p> <p>Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony.</p>



STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
West Virginia	Felony (1-5 years prison)	<p style="text-align: center;"><b>W. VA. CODE § 61-2-9d. (2016) – Strangulation; definitions; penalties</b></p> <p>(a) As used in this section:</p> <p style="padding-left: 40px;">(1) “Bodily injury” means substantial physical pain, illness or any impairment of physical condition;</p> <p style="padding-left: 40px;">(2) “Strangle” means knowingly and willfully restricting another person’s air intake or blood flow by the application of pressure on the neck or throat;</p> <p>(b) Any person who strangles another without that person’s consent and thereby causes the other person bodily injury or loss of consciousness is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,500 or imprisoned in a state correctional facility not less than one year or more than five years, or both fined and imprisoned.</p>

STRANGULATION LAWS  
 State-by-State Analysis  
 May 2019

State	Classification	Text
Wisconsin	Class H Felony (up to 6 years prison)	<p style="text-align: center;"><b>Wis. STAT. ANN. § 940.235 (2008) – 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>
	Class G Felony (up to 10 years)	

STRANGULATION LAWS  
State-by-State Analysis  
May 2019

State	Classification	Text
Wyoming	Felony (up to 10 years prison)	<p style="text-align: center;"><b>WYO. STAT. ANN. § 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 flow 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 for not more than ten (10) 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>

## FELONY STRANGULATION LAW STATE-BY-STATE COMPARISON

State	Stand-Alone Strangulation Statute	Stand-Alone Domestic Violence Strangulation Statute	Assault/Battery/Murder Statute	Domestic Violence Statute	Sexual Assault Statute	None	Page #
Alabama		X					1
Alaska			X				2
Arizona				X			5
Arkansas			X				6
California				X			7
Colorado			X				9
Connecticut	X						10
Delaware	X						11
District of Columbia						X	11
Florida		X					12
Georgia			X				13
Hawaii				X			14
Idaho		X					15
Illinois			X	X			16
Indiana	X						19
Iowa				X			20
Kansas				X			21
Kentucky	X						22
Louisiana				X			23
Maine			X				24
Maryland*					X		25
Massachusetts	X						26
Michigan			X				27
Minnesota		X					28
Mississippi				X			29
Missouri				X			30
Montana		X					31
Nebraska	X						32
Nevada			X	X	X		33
New Hampshire			X	X			34
New Jersey				X			35
New Mexico				X			36
New York	X						37
North Carolina			X				38
North Dakota**			X				39
Ohio						X	39
Oklahoma				X			40
Oregon	X						41

## FELONY STRANGULATION LAW STATE-BY-STATE COMPARISON

State	Stand-Alone Strangulation Statute	Stand-Alone Domestic Violence Strangulation Statute	Assault/Battery/Murder Statute	Domestic Violence Statute	Sexual Assault Statute	None	Page #
Pennsylvania	X	X					42
Rhode Island		X					43
South Carolina						X	43
South Dakota			X				44
Tennessee			X				45
Texas				X			46
Utah			X				47
Vermont			X				48
Virginia	X						50
Washington			X				51
West Virginia	X						52
Wisconsin	X						53
Wyoming		X					54
<b>TOTALS</b>	<b>12</b>	<b>8</b>	<b>16</b>	<b>15</b>	<b>2</b>	<b>3***</b>	

\*Maryland law criminalizes strangulation specifically if it is committed during a sexual assault but not generally.

\*\*North Dakota definition of “serious bodily injury” does not use the term strangulation but includes the language “impediment of air flow or blood flow to the brain or lungs.

\*\*\*2 states and D.C. have failed to enact felony strangulation legislation