



Ohio Prosecuting Attorneys Association

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Senate Bill 146
Proponent Testimony
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Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony on Senate Bill 146, a needed response to a dangerous and violent act that by its very nature warrants criminal charges that are more serious than misdemeanor domestic violence.

Ohio is one of only three states without a felony strangulation statute. Other states have recognized that strangulation, and stranglers, present a special set of dangers for victims that warrants a different penalty and a different level of deterrence. Senate Bill 146 is a response to a significant gap in Ohio law that makes it difficult to secure justice for strangulation victims and difficult to protect them from future crime. Current law leaves victims in very serious danger and leaves them as the victims of a crime for which there is little sense of justice.

Under current law, prosecutors typically have two choices in strangulation cases. They can attempt to prosecute the case as felonious assault. This is not always a simple task. Many victims and medical professionals themselves do not understand the internal harm caused by a strangulation. They sometimes do not know what to look for or what to report to ensure that evidence is available to meet the serious physical harm standard. Juries struggle to understand that serious physical harm occurs when there is no proof of external trauma. Yet, in more than 50% of even *fatal* strangulations cases, there is no external trauma. Death, or in non-fatal cases serious physical harm, occurs because of internal damage to the arteries, because of lack of blood supply to the brain, because of temporary incapacity, or because it causes a substantial risk of death—clots that result from strangulation can cause injury or death days, weeks, or months later. Strangulation is simply not, as some opponents of this legislation suggest, analogous to a bump on the head.

The alternative is to prosecute strangulation as misdemeanor domestic violence. A misdemeanor for a crime where unconsciousness occurs in a matter of seconds, loss of brain tissue begins immediately and occurs continuously, and death occurs in around a minute. All with less pressure to the neck than it takes to open a can of pop. A history of strangulation in a domestic relationship increases the victim's risk of being the victim of a homicide by 750%. This makes strangulation one of the best predictors of homicide for domestic violence victims. A misdemeanor demeans the seriousness of this crime given its life threatening nature and the level of violence that it entails. It places many victims at continued risk. A misdemeanor conviction is simply not justice.

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

Thank you again for the opportunity to testify. I would be happy to answer any questions.