



Ohio Prosecuting Attorneys Association

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Senate Bill 90
Proponent Testimony
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Chairman Manning, Vice-Chair McColley, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony on Senate Bill 90, an appropriate and necessary response to a dangerous and violent act that by its very nature warrants harsher punishment than is provided by base level misdemeanor domestic violence.

Ohio is now one of only two states without a felony strangulation statute. South Carolina is the only other. Other states have recognized that strangulation is a particularly dangerous act that presents a special set of dangers for victims and the public. It is a violent act that warrants felony level punishment in its own right. Senate Bill 90 closes 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 that the outcome was just.

Under current law, prosecutors typically have two choices in strangulation cases. They can try to prosecute strangulations as felonious assault – which is difficult to prove due to the nature of the harm caused by strangulation. In more than 50% of even fatal strangulation cases, there is no external trauma. Death or injury occurs because of internal damage to major arteries, because of blood clots, or because of a lack of blood supply to the brain. Alternatively, prosecutors can charge this as misdemeanor domestic violence, something that we feel demeans the seriousness of the act given the level of violence, the life threatening danger that it entails, and what it says about the perpetrator.

As has been noted in other testimony on felony strangulation over the last four general assemblies, 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. Not every person who has perpetrated strangulation has gone on to be a mass murderer but every mass shooter has a history of domestic violence and strangulation. Strangulation demonstrates a level of violence and is such a good predictor of future crime and violence that it warrants the higher penalties provided in Senate Bill 90 in its own right.

We believe that Ohio should join the 48 other states that recognize the special dangers of strangulation and the special danger of those who do it. We encourage your favorable consideration of Senate Bill 90.

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