

OREGON LAW CENTER

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TESTIMONY ON SB 1527-5
Before the Senate Judiciary Committee
February 6th, 2012
Submitted by: Sybil Hebb

Chair Prozanski, and Members of the Committee:

On behalf of the Oregon Law Center, thank you for the opportunity to submit testimony in support of the Dash 5 amendments to SB 1527. These amendments provide a simple technical fix to important language passed unanimously in 2011 which upgraded the misdemeanor crime of strangulation to a class C felony in certain circumstances.

2009's HB 2940 was the culmination of many years of effort on the part of legislators, victim advocates, law enforcement officers, and district attorneys to provide heightened sanctions for the dangerous crime of strangulation. The bill took effect in January of 2011, and just after that time, a one-word error was discovered in the legislative language.

The 2009 law allows for the crime of strangulation to be charged as a felony when the perpetrator has previous convictions for a similar crime against the same victim. This is an important policy because it allows for heightened sanctions against repeat offenders, especially those within domestic and family relationships where the victim is repeatedly violated.

As you know, Strangulation is a serious and highly lethal crime. It can lead to unconsciousness in ten to sixty seconds and death in a matter of minutes.¹ Victims may have no visible injuries, yet because of underlying brain damage due to the lack of oxygen during the strangulation, they often have serious internal injuries or brain damage, and sometimes die days or weeks after the assault.²

I will defer to the Oregon District Attorneys' Association for the technical explanation of the fix, but voice our wholehearted support of the fix that will allow implementation of the strong policy behind the original bill.

Thank you for the opportunity to submit testimony this afternoon.

¹Strack, Gael B., McClane, George E., and Hawley, Dean (2001). A review of 300 attempted strangulation cases Part 1: Criminal Legal Issues. Violence Recognition, Management, and Prevention. 21 (3) pg. 303-309.

² Strack, Gael B (2010) CEO, National Family Justice Center Alliance.