

STAFF MEASURE SUMMARY

House Committee On Judiciary

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 04/06/15

**Action:** Do Pass.

**Meeting Dates:** 03/25, 04/06

**Vote:**

Yeas: 7 - Barker, Barton, Krieger, Lininger, Olson, Post, Williamson

Nays: 1 - Greenlick

Exc: 1 - Sprenger

**Prepared By:** Jeff Rhoades, Counsel

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**WHAT THE MEASURE DOES:**

Increases penalty for crime of strangulation if defendant knows victim is pregnant. Makes crime a Class C felony, with maximum punishment of five years imprisonment, \$125,000 fine or both. Expands types of previous convictions that elevate assault in the fourth degree to from Class A misdemeanor to Class C felony.

**ISSUES DISCUSSED:**

- Substance of the bill
- Conforming the assault IV and strangulation statutes
- Protection of victims
- Lack of opposition

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

House Bill 3469 expands upon the crime of strangulation. A person commits strangulation if he or she knowingly impedes the normal breathing or circulation of the blood of another person by: 1) applying pressure on the throat or neck of the other person; or 2) blocking the nose or mouth of the other person. Strangulation is a Class A misdemeanor by default; however certain enhancing factors can raise the crime to a Class C felony. House Bill 3469 adds to the list of enhancements by providing that a person commits felony strangulation if he or she commits the crime knowing that the victim is pregnant.

In addition to making changes to the strangulation statute, House Bill 3469 changes which crimes are prerequisites to enhancing the crime of Assault in the Fourth Degree from a Class A misdemeanor to a Class C felony. The bill states that Assault in the Fourth Degree shall be a Class C felony if a person has been previously convicted of the following against the same victim: 1) Assault in the Fourth Degree; 2) Assault in the Third Degree; 3) Assault in the Second Degree; 4) Assault in the First Degree; 5) Strangulation; and 6) Menacing. Additionally, if a person has at least three previous convictions for the preceding crimes, Assault in the Fourth Degree is elevated to a Class C felony even if it is not against the same victim.