

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 06/03/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 05/13, 06/02, 06/03

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Jeff Rhoades, Counsel

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. Makes technical fixes to animal welfare laws.

ISSUES DISCUSSED:

- Goal of conforming the assault IV and strangulation statutes
- Protection for victims
- Lack of opposition
- The need for a technical fix to animal welfare laws

EFFECT OF COMMITTEE AMENDMENT:

Makes technical fixes to animal welfare laws.

BACKGROUND:

House Bill 3469-A 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-A adds to the list of enhancements by providing that a person commits felony strangulation if he or she commit the crime knowing that the victim is pregnant.

In addition to making changes to the strangulation statute, House Bill 3469-A 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. Lastly, House Bill 3469-A makes technical changes to animal welfare laws to clarify which crimes animal law enforcement officers have jurisdiction to enforce.