

HB 2955 STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 03/30/17

Action: Do pass. Refer to Ways and Means.

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Elevates crime of strangulation from Class A misdemeanor to Class C felony when victim is family or household member. Includes knowingly impeding normal breathing or circulation of blood through application of pressure to chest as means by which crime may be committed.

ISSUES DISCUSSED:

- Domestic violence involving strangulation is highly correlated with subsequent lethality
- Offender exerting power and control over victim
- Applying pressure to chest can be lethal and is not covered by assault statutes

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The crime of strangulation is committed when a person knowingly impedes the normal breathing or circulation of the blood of another person by blocking the nose or mouth of the other person, or by applying pressure on the throat or neck of the other person. House Bill 2955 includes applying pressure to the chest of the other person as a means by which the crime can be committed.

Strangulation is a Class A misdemeanor, unless a statutorily described aggravating factor is present. Currently, these factors include the commission of the crime against a victim who is pregnant or a victim who is under 10 years of age, the use or threatened use of a dangerous or deadly weapon during the commission of the crime, the defendant having certain previous convictions or the commission of the crime in the immediate presence of the victim's or defendant's minor child. House Bill 2955 includes in this list of aggravating factors the commission of the crime against a family or household member.