

**SB 1562 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Taylor

**Senate Committee On Judiciary**

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**Action Date:** 02/15/18

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Dembrow, Gelser, Linthicum, Prozanski, Thatcher, Wagner

**Fiscal:** Fiscal impact issued

**Revenue:** Has minimal revenue impact

**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

Adds knowingly impeding the normal breathing or circulation of another person by applying pressure to the chest of the other person to the offense of strangulation. Increases penalty for offense of strangulation when the victim is a family or household member to a Class C felony. Directs the Oregon Criminal Justice Commission to classify all felony level strangulation convictions as a crime category 5.

**ISSUES DISCUSSED:**

- Medical impacts of strangulation
- Whether pressing on the back falls within this offense
- Correlation between strangulation offenses and lethality
- Whether all strangulation offenses should be a felony

**EFFECT OF AMENDMENT:**

Directs the Oregon Criminal Justice Commission to classify all felony level strangulation convictions as a crime category 5.

**BACKGROUND:**

The offense of strangulation occurs when a person knowingly impedes the normal breathing or circulation of the blood of another person by either applying pressure on the throat or neck of the other person, or blocking the nose or mouth of the other person. Strangulation is a Class A misdemeanor, subject to a maximum jail sentence of 364 days and a maximum fine of \$6,250. Strangulation is elevated to a Class C felony if any of the following factors are present: the offense is committed in the immediate presence of, or witnessed by, the person's or victim's minor child, stepchild, or a minor residing in the household of the person or the victim; the victim is under age 10; the person used, attempted to use, or threatened to use a dangerous or deadly weapon; the person has previously been convicted of strangulation, any degree of assault, or menacing against the same victim; the person has at least three prior convictions for strangulation, any degree of assault, or menacing; or the person knows that the victim is pregnant. A Class C felony has a maximum prison sentence of five years and a maximum fine of \$125,000. Strangulation as a Class C felony is a crime category 6 on the guidelines.

Senate Bill 1562-A adds applying pressure to the chest of another person as a means of committing strangulation. SB 1562-A increases the penalty for strangulation to a Class C felony when the victim is a family or household member. It also directs the Oregon Criminal Justice Commission to classify all class C felony level strangulation convictions as a crime category 5. Family or household members include spouses, former spouses, adult persons related by blood or marriage, persons cohabiting together, persons who have cohabited together or been involved in a sexually intimate relationship, or unmarried parents of a minor child.