



SB 430 (Kehoe) Strangulation

As Introduced February 17, 2011

THIS BILL:

SB 430 would clarify the appropriate elements of an already existing criminal offense when someone is strangled but survives, including suffocation. This bill also adds an enhancement in criminal penalties if the strangulation or suffocation occurs within an intimate relationship.

BACKGROUND:

Almost half of all domestic violence homicide victims experienced at least one episode of attempted strangulation prior to a lethal or near lethal violent incident and victims of prior attempted strangulation are seven times more likely of becoming a homicide victim. In order to combat this criminal behavior, thirty states have now passed felony strangulation statutes. By providing clear legislation to guide judges and juries in addressing this extremely lethal form of violence which occurs most often in domestic violence, sexual assault, child abuse, and elder abuse cases, homicides will be reduced, lives saved, and surviving victims will enter a more informed and responsive criminal justice system.

PROPOSED LAW:

SB 430 bill clarifies in accurate medical and legal terms the appropriate elements of an already existing criminal offense (assault, assault with a deadly weapon, attempted murder) when someone is strangled but survives; includes suffocation which is often used to control a victim during any kind of assault, particularly sexual assault and domestic violence incidents; and adds an enhancement if the strangulation or suffocation occurs within an intimate relationship as defined in PC 13700.

SUPPORT:

Family Justice Center Alliance (Sponsor)
Office of San Diego County District Attorney, Bonnie Dumanis
Office of Alameda County District Attorney, Nancy O'Malley
Office of Stanislaus County District Attorney, Birgit Fladager
Office of Canyon County Prosecuting Attorney, Bryan F. Taylor
Modesto Police Department
Hope and Strength Psychological Services of San Diego, Dr. Diane Lass
Center for Community Solutions, Executive Director Verna Griffin-Tabor
David R. Thomas, Program Administrator, Domestic Education, Johns Hopkins University
Numerous Members of the Public

OPPOSITION:

None Listed

For further information, please contact:
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