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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish strangulation as a criminal offense and to establish an enhanced penalty for strangulation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Strangulation Criminal Offense Act of 2015”.

Sec. 2. Definitions.

For the purposes of this act the term:

(1) “Serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(2) “Strangulation” means to impede the normal breathing or circulation of the blood of another person by applying pressure to the throat or neck or by obstructing the nose or mouth.

Sec. 3. Strangulation as a criminal offense.

A person commits the offense of strangulation if the person, without consent, impedes the normal breathing or circulation of the blood of another person by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.

26 Sec. 4. Penalties.

27 A person convicted of the offense of strangulation shall be imprisoned for not less than 1
28 year and not more than 10 years and may be fined an amount not more than the amount set forth
29 in the D.C. Official Code § 22-3571.01.

30 Sec. 5. Enhanced Penalties.

31 A person convicted of the offense of strangulation may be punished by a fine of up to 1 ½
32 times the maximum fine otherwise authorized pursuant to section 4 and may be imprisoned for a
33 term of up to 1 ½ times the maximum term of imprisonment otherwise authorized section 4, or
34 both, if:

35 (1) The person used or attempted to use a dangerous instrument while committing
36 the strangulation offense;

37 (2) The person caused serious bodily injury to the other person as a result of the
38 commission of the strangulation offense;

39 (3) The person was subject to a protection order, parole, or supervised release
40 order prohibiting contact with the specific individual at the time of the offense;

41 (4) The person was subject to pretrial release in any jurisdiction for a crime of
42 domestic violence at the time of the offense;

43 (5) The person has a prior conviction of a crime of domestic violence within 10
44 years of the commission of the strangulation offense;

45 (6) The victim is a person under 18 years of age at the time of the offense or a
46 vulnerable adult as defined in D.C. Official Code § 22-932; or

47 (7) The victim is pregnant.

48 Sec. 6. Fiscal impact statement.

49 The Council adopts the fiscal impact statement in the committee report as the fiscal
50 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
51 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

52 Sec. 7. Effective date.

53 This act shall take effect following approval by the Mayor (or in the event of veto by the
54 Mayor, action by Council to override the veto), a 60-day period of congressional review as
55 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
56 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
57 Columbia Register.