

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 482

BY SENATORS TRUMP, GAUNCH, BOSO, LEONHARDT,
ASHLEY, MILLER, ROMANO, WILLIAMS, CARMICHAEL,
PALUMBO, SNYDER, PLYMALE, STOLLINGS AND PREZIOSO

[Introduced February 2, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-2-9d, relating to crimes against the person; providing that strangling is a
 3 criminal offense; defining bodily injury and strangling; providing a felony offense of
 4 strangling another; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §61-2-9d, to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; definitions; penalties.

1 (a) As used in this section:

2 (1) "Bodily injury" means substantial physical pain, illness or any impairment of physical
 3 condition;

4 (2) "Strangle" means knowingly and willfully restricting another person's air intake or blood
 5 flow by the application of pressure on the neck or throat.

6 (b) Any person who strangles another and thereby causes bodily injury or the loss of
 7 consciousness is guilty of a felony and, upon conviction thereof, shall be fined not more than
 8 \$2,500 or imprisoned in a state correctional facility not less than one year or more than five years
 9 or, both fined and imprisoned.

NOTE: The purpose of this bill is to create the felony crime of strangulation and provide a new criminal penalty for strangulation.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.

This bill was recommended for introduction by the Joint Committee on the Judiciary that met during the 2015-2016 interim session.