

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4393

BY DELEGATES ROHRBACH, LOVEJOY, LINVILLE,

MAYNARD AND PORTERFIELD

[Passed February 6, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating
2 to creating the criminal offenses of suffocation and asphyxiation; and establishing criminal
3 penalties therefor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; suffocation and asphyxiation; definitions; penalties.

1 (a) As used in this section:

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

4 "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 "Suffocate" means knowingly and willfully restricting the normal breathing or circulation of
7 blood by blocking the nose or mouth of another; and

8 "Asphyxiate" means knowingly and willfully restricting the normal breathing or circulation
9 of blood by the application of pressure on the chest or torso.

10 (b) Any person who strangles, suffocates or asphyxiates another without that person's
11 consent and thereby causes the other person bodily injury or loss of consciousness is guilty of a
12 felony and, upon conviction thereof, shall be fined not more than \$2,500 or imprisoned in a state
13 correctional facility not less than one year or more than five years, or both fined and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor