

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 283

BY SENATORS WELD AND RUCKER

[Introduced January 10, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating
 2 to the criminal offense of strangulation; creating the criminal offense of suffocation; and
 3 increasing the criminal penalty for these crimes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; suffocation; 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 or chest;

6 "Suffocate" means knowingly and willfully restricting the air intake or blood flow by blocking
 7 the nose or mouth of another by any means other than by strangulation as defined in this section.

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

NOTE: The purpose of this bill is to update the definition of the criminal offense of strangulation and create the criminal offense of suffocation with increased criminal penalties.

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