

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**ENROLLED**

## **House Bill 4362**

(BY DELEGATES KURCABA, FLEISCHAUER, STATLER,

HOUSEHOLDER, ESPINOSA, OVERINGTON, WELD,

SUMMERS, BLAIR, BYRD AND UPSON)

[Passed March 5, 2016; in effect ninety days from passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new  
2 section, designated §61-2-9d, relating to crimes against the person; establishing the felony  
3 offense of strangulation; defining terms; and providing 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 without that person's consent and thereby causes  
7 the other person bodily injury or loss of consciousness is guilty of a felony and, upon conviction  
8 thereof, shall be fined not more than \$2,500 or imprisoned in a state correctional facility not less  
9 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.

.....  
*Chairman, House Committee*

.....  
*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

.....  
*Speaker of the House of Delegates*

.....  
*President of the Senate*

\_\_\_\_\_

The within ..... this the.....  
day of ....., 2016.

.....  
*Governor*