

SENATE No. 818

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to criminal strangulation.

PETITION OF:

NAME:

Bruce E. Tarr

Bradley H. Jones, Jr.

DISTRICT/ADDRESS:

First Essex and Middlesex

20th Middlesex

SENATE No. 818

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 818) of Bruce E. Tarr and Bradley H. Jones, Jr. for legislation relative to criminal strangulation. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to criminal strangulation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 265 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting after section 15C the following section:-

3 Section 15D. (a) For the purposes of this section the following words shall have the
4 following meanings:

5 "Serious bodily injury", bodily injury that results in a permanent disfigurement, loss or
6 impairment of a bodily function, limb or organ, or a substantial risk of death.

7 "Strangulation", the intentional interference of the normal breathing or circulation of
8 blood by applying pressure on the throat or neck of another.

9 "Suffocation", the intentional interference of the normal breathing or circulation of blood
10 by blocking the nose or mouth of another.

11 (b) Whoever strangles or suffocates another shall be punished by imprisonment in the
12 state prison for not more than 5 years or in the house of correction for not more than 2 ½ years or
13 by a fine of not more than \$5,000, or by both such fine and imprisonment.

14 (c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation
15 causes serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of
16 such strangulation or suffocation, knowing or having reason to know that the person is pregnant;
17 or (iii) is convicted of strangling or suffocating another after having been previously convicted of
18 the crime of strangling or suffocating another under this section, or of a like offense in another
19 state or the United States or a military, territorial or Indian tribal authority; or (iv) strangles or
20 suffocates another, knowing that the victim of such strangulation or suffocation has an

21 outstanding temporary or permanent vacate, restraining or no contact order or judgment issued
22 pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of
23 chapter 209A or section 15 or 20 of chapter 209C, in effect against the strangler or suffocator at
24 the time such offense was committed, shall be punished by imprisonment in the state prison for
25 not more than 10 years or in the house of correction for not more than 2½ years, and by a fine of
26 not more than \$10,000.