HOUSE DOCKET, NO. 1856 FILED ON: 1/20/2011

HOUSE . . . . . No. 1292

The Commonwealth of Massachusetts

PRESENTED BY:

Brian S. Dempsey

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 strangulation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian S. Dempsey	*3rd Essex*

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HOUSE . . . . . No. 1292

By Mr. Dempsey of Haverhill, a petition (accompanied by bill, House, No. 1292) of Brian S. Dempsey relative to the definition of strangulation and suffocation. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to strangulation.

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

SECTION 1. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after Section 15C the following section:--

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

"Strangulation" shall mean the intentional interference of the normal breathing or circulation of blood by applying pressure on the throat or neck of another.

"Suffocation" shall mean the intentional interference of the normal breathing or circulation of blood by blocking the nose or mouth of another.

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

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

15 (c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation
16 causes serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of
17 such strangulation or suffocation, knowing or having reason to know that the person is pregnant;
18 or (iii) is convicted of strangling or suffocating another after having been previously convicted of
19 the crime of strangling or suffocating another under this section, or of a like offense in federal
20 court or the court of any state; or (iv) strangles or suffocates another who he or she knows 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, section 7 or 10 of chapter 209A½, or section 15 or 20 of chapter 209C, in effect
24 against him or her at the time the offense was committed, shall be punished by imprisonment in
25 the state prison for not more than 10 years or in the house of correction for not more than 2½
26 years, and by a fine of not more than $10,000.