



SENATE OF PENNSYLVANIA BILL SUMMARY

House Bill 1581 Printer's No. 3089

Prime Sponsor: Representative Corbin
Committee: Judiciary

SYNOPSIS:

This bill amends Title 18 (Crimes and Offenses) to establish the offense of strangulation.

SUMMARY:

This bill adds a new Section 2718 to Title 18 to provide for the offense of strangulation.

Offense Defined

The offense is defined as knowingly or intentionally impeding the breathing or circulation of the blood of another person by applying pressure to the throat or neck or by blocking the nose and mouth of the person. The infliction of physical injury is not an element of the offense, and the lack of physical injury shall not be a defense to prosecution of this offense. The bill provides for an affirmative defense that the victim consented to the defendant's actions.

Grading

The offense of strangulation will be generally graded as a misdemeanor of the second degree. The offense will be graded as a felony of the second degree if committed against a family or household member, by a caretaker against a care-dependent person, or in conjunction with sexual violence. The offense will be graded as a felony of the first degree if the defendant is subject to an active protection from abuse order or sexual violence or intimidation protection order that covers the victim; if the defendant uses an instrument of crime; or if the defendant has previously been convicted of enumerated sex offenses or equivalent offenses in an other jurisdiction.

Definitions

The definitions of "care-dependent person," "caretaker," "legal entity," and "private care residence" are identical to those found in Section 2713 of Title 18 (pertaining to neglect of a care-dependent person).

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

Passed the House of Representatives on April 6, 2016 by a vote of 184-3.

Prepared by: Cawley 6/20/2016