SENATE DOCKET, NO. 1366 FILED ON: 1/21/2011

SENATE . . . . . No. 679

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 passage of the accompanying:

An Act relative to strangulation..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine M. Clark	*Middlesex and Essex*
Cory Atkins	*14th Middlesex*
James J. Dwyer	*30th Middlesex*

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SENATE . . . . . No. 679

By Ms. Clark, a petition (accompanied by bill, Senate, No. 679) of Katherine M. Clark, Cory Atkins and James J. Dwyer for legislation relative to strangulation. The Judiciary.

The Commonwealth of Massachusetts

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:

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.

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

(c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation causes serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of such strangulation or suffocation, knowing or having reason to know that the person is pregnant; or (iii) is convicted of strangling or suffocating another after having been previously convicted of the crime of strangling or suffocating another under this section, or of a like offense in federal court or the court of any state; or (iv) strangles or suffocates another who he or she knows has an

23 outstanding temporary or permanent vacate, restraining or no contact order or judgment issued
24 pursuant to section 18, 34B or 34C of chapter 208 , section 32 of chapter 209, section 3, 4 or 5 of
25 chapter 209A, section 7 or 10 of chapter 209A½, or section 15 or 20 of chapter 209C, in effect
26 against him or her at the time the offense was committed, shall be punished by imprisonment in
27 the state prison for not more than 10 years or in the house of correction for not more than 2½
28 years, and by a fine of not more than $10,000.