

**CRIME OF STRANGULATION OR
SMOTHERING**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer M. Seelig

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the Criminal Code by including the offense of suffocation or strangulation as an aggravated assault.

Highlighted Provisions:

This bill:

▶ amends the offense of aggravated assault to include the offenses of impeding a person's circulation by applying pressure to a person's neck or throat or impeding a person's normal breathing; and

▶ provides that these offenses of strangulation or smothering are third degree felonies.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-103, as last amended by Laws of Utah 1995, Chapter 291



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **76-5-103** is amended to read:

30 **76-5-103. Aggravated assault.**

31 (1) A person commits aggravated assault if [~~he~~] the person commits assault as defined
32 in Section 76-5-102 and [~~he~~] the person:

33 (a) intentionally causes serious bodily injury to another; [~~or~~]

34 (b) under circumstances not amounting to a violation of Subsection (1)(a), uses a
35 dangerous weapon as defined in Section 76-1-601 or other means or force likely to produce
36 death or serious bodily injury[~~;~~]; or

37 (c) under circumstances not amounting to a violation of Subsection (1)(a),

37a ~~H~~→ **intentionally** ←~~H~~ uses the
38 person's hand or any other means or force to attempt to impede or to impede:

39 (i) the normal breathing of another person; or

40 (ii) the circulation of another person's blood by applying pressure on the throat or neck
41 of that person.

42 (2) A violation of Subsection (1)(a) is a second degree felony.

43 (3) A violation of Subsection (1)(b) or (c) is a third degree felony.

Legislative Review Note
as of 11-15-07 3:34 PM

Office of Legislative Research and General Counsel

H.B. 65 - Crime of Strangulation or Smothering

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will require on-going appropriations for the Department of Corrections and the Board of Pardons of \$46,500 in FY 2009 and \$93,000 in each year thereafter.

| | <u>FY 2008</u> <u>Approp.</u> | <u>FY 2009</u> <u>Approp.</u> | <u>FY 2010</u> <u>Approp.</u> | <u>FY 2008</u> <u>Revenue</u> | <u>FY 2009</u> <u>Revenue</u> | <u>FY 2010</u> <u>Revenue</u> |
|--------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| General Fund | \$0 | \$46,500 | \$93,000 | \$0 | \$0 | \$0 |
| Total | \$0 | \$46,500 | \$93,000 | \$0 | \$0 | \$0 |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.