

**CRIME OF STRANGULATION OR  
SMOTHERING**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer M. Seelig**

Senate Sponsor: Sheldon L. Killpack

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**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

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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), 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.

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

**Office of Legislative Research and General Counsel**

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**H.B. 65 - Crime of Strangulation or Smothering**

**Fiscal Note**

2008 General Session  
State of Utah

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**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
<b>Total</b>	<b>\$0</b>	<b>\$46,500</b>	<b>\$93,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**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.