

1 **STRANGULATION AND DOMESTIC VIOLENCE**

2 **JOINT RESOLUTION**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jennifer M. Seelig**

6 Senate Sponsor: Jon J. Greiner

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature urges state and local law enforcement officers
11 and prosecutors to investigate and prosecute as felonies assaults in which the defendant
12 applied force to the neck or throat of the victim.

13 **Highlighted Provisions:**

14 This resolution:

15 ▶ urges state and local law enforcement officers and prosecutors to investigate and
16 prosecute as felonies all assaults in which the evidence shows that the defendant
17 applied force to the neck or throat of the victim, creating a substantial likelihood of
18 impediment to the victim's normal breathing or circulation.

19 **Special Clauses:**

20 None

22 *Be it resolved by the Legislature of the state of Utah:*

23 WHEREAS, perpetrators of an assault frequently apply pressure to the neck or throat
24 of a victim;

25 WHEREAS, in cases of domestic violence, this method is used to assert a brutal
26 control over the weaker partner;

27 WHEREAS, the application of force to the neck or throat in the course of an assault
28 creates a substantial likelihood of impeding the victim's normal breathing or circulation;

29 WHEREAS, it is a "means or force likely to produce death or serious bodily injury"

30 within the meaning of the crime of aggravated assault determined in Section 76-5-102 of the
31 Utah Code; and

32 WHEREAS, this principle has been recognized by the Utah Supreme Court in State v.
33 Speer 750 P.2d 186 (Utah 1988) and State v. Fisher 680 P. 2d 35 at p.37 (Utah 1984):

34 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
35 urges state and local law enforcement officers and prosecutors in Utah to investigate and
36 prosecute as felonies all assaults in which the evidence shows that the defendant applied force
37 to the neck or throat of the victim, creating a substantial likelihood of impediment to the
38 victim's normal breathing or circulation.

39 BE IT FURTHER RESOLVED that copies of this resolution be sent to the Statewide
40 Association of Prosecutors, the Utah Office of Domestic and Sexual Violence, the Utah Legal
41 Aid Society, the Utah Commission on Criminal and Juvenile Justice, the Utah Sheriff's
42 Association, and the Utah Peace Officers Association.