

STRANGULATION AND DOMESTIC VIOLENCE

RESOLUTION

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer M. Seelig

LONG TITLE

General Description:

This resolution of the House of Representatives urges state and local law enforcement officers and prosecutors to investigate, and prosecute as felonies, assaults in which the defendant applied force to the neck or throat of the victim.

Highlighted Provisions:

This resolution:

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

Special Clauses:

None

Be it resolved by the House of Representatives of the state of Utah:

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

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

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



28 WHEREAS, it is a "means of force likely to produce death or serious bodily injury"
29 within the meaning of the crime of aggravated assault in Section 76-5-103; and

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

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

37 BE IT FURTHER RESOLVED that copies of this resolution be sent to the Statewide
38 Association of Prosecutors, the Utah Office of Domestic and Sexual Violence, the Utah Legal
39 Aid Society, the Utah Substance Abuse and Anti-violence Coordinating Council within the
40 Utah Commission on Criminal and Juvenile Justice, the Utah Sheriff's Association, and the
41 Utah Peace Officers Association.

Legislative Review Note
as of 1-28-10 8:37 AM

Office of Legislative Research and General Counsel

H.R. 5 - Strangulation and Domestic Violence Resolution

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
