



OFFICE OF THE
SECRETARY
2019 DEC 20 AM 10:37

MURIEL BOWSER
MAYOR

DEC 20 2019

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 506
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a measure entitled the "Strangulation Prohibition Amendment Act of 2019."

The bill amends Title 22 of the District of Columbia Official Code to create a felony offense of the strangulation of another person and adds strangulation to the definition of a crime of violence. It also establishes a sentencing enhancement of up to 1.5 times the maximum term of imprisonment and fine upon conviction if: the victim sustained serious bodily injury at the time of the offense, or the defendant was subject to supervised release at the time of the offense or had been convicted of an intrafamily offense within the past 5 years.

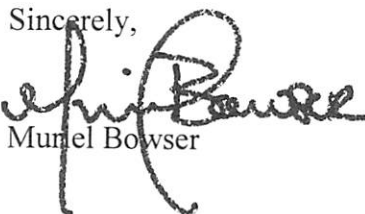
The District is an outlier in not specifically treating strangulation as a felony; 45 states have passed some form of a felony strangulation law. Research shows that non-fatal strangulation is an important risk factor for the murder of women and is often a precursor for more serious violence. Strangulation is a key lethality factor in intimate partner violence cases.

District law currently treats strangulation as a misdemeanor simple assault, unless the attack caused serious bodily injury or an object was used to strangle the victim. This bill treats strangulation as the serious crime that it is, will better protect victims of domestic violence and hold offenders accountable.

I urge prompt consideration and approval of this measure.

If you have any questions on this matter, please contact Deputy Mayor Kevin Donahue at (202) 724-5400.

Sincerely,


Muriel Bowser

Enclosures



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 22 of the District of Columbia Official Code to create a felony offense of strangulation of another person; and to amend Title 23 of the District of Columbia Official Code to add strangulation to the definition of crime of violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Strangulation Prohibition Amendment Act of 2019.”

Sec. 2. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code), is amended by adding new section 806d to read as follows:

“Sec. 806d. Strangulation.

“(a) A person commits the offense of strangulation if that person knowingly, intentionally, or recklessly restricts the normal circulation of the blood or breathing of another person, either by applying pressure on the throat or neck of another person, or by blocking the nose or mouth of another person.

“(b) A person convicted of strangulation shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11,

31 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or be imprisoned for not more than 5
32 years, or both.

33 “(c) A person convicted of strangulation may be punished by a fine of up to 1 ½ times the
34 maximum fine otherwise authorized for this offense and may be imprisoned for a term of up to 1
35 ½ times the maximum term of imprisonment otherwise authorized for this offense, or both, if:

36 “(1) The victim sustained serious bodily injury as a result of the offense;

37 “(2) The person was subject to a court, parole, or supervised release requirement
38 that the person stay away from, or have no contact with, the victim of the strangulation at the
39 time of the offense; or

40 “(3) The person was, within 5 years of commission of the strangulation offense,
41 convicted of an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), involving
42 any victim, or convicted of any similar offense in the law of another jurisdiction.

43 Sec. 3. Section 23-1331(4) of the District of Columbia Official Code is amended by
44 striking the phrase “sexual abuse in the first, second, or third degrees; use, dissemination, or
45 detonation of a weapon of mass destruction;” and inserting the phrase “sexual abuse in the first,
46 second, or third degrees; strangulation; use, dissemination, or detonation of a weapon of mass
47 destruction;” in its place.

48 Sec. 4. Fiscal impact statement.

49 The Council adopts the fiscal impact statement in the committee report as the fiscal
50 impact statement required by 4a of the General Legislative Procedures Act of 1975, approved
51 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

52 Sec. 5. Effective date.

53 This act shall take effect following approval by the Mayor (or in the event of veto by the
54 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
55 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
56 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
57 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

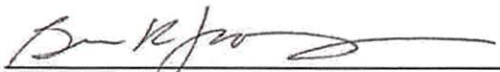
TO: Gianelle Rivera
Acting Executive Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: October 30, 2019

SUBJECT: Legal Sufficiency Review – Draft “Strangulation Prohibition Amendment Act of 2019”
(AE-19-658)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Brian K. Flowers

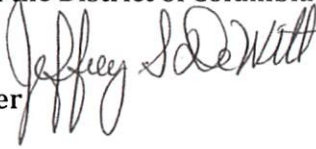
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 4, 2019

SUBJECT: Fiscal Impact Statement – Strangulation Prohibition Amendment Act of 2019

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on October 30, 2019

Conclusion

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The bill establishes a felony offense of strangulation where a person knowingly, intentionally, or recklessly restricts the circulation of blood or breathing of another person through the application of pressure on the throat or neck or blocking the nose or mouth of that person. Any person convicted of strangulation will be imprisoned for up to five years, fined up to \$12,500, or both.¹ Currently, strangulation using an item is a felony, but manual strangulation is a misdemeanor.

The bill authorizes prosecutors to enhance these penalties if the strangulation results in serious bodily injury, the perpetrator was subject to an order or requirement to stay away from or have no contact with the victim, the perpetrator had been convicted of an intrafamily offense within the prior five years, or the victim was pregnant. If these conditions are met, prosecutors can increase the penalties by one-and-a-half times the prescribed levels.

¹ Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

The Honorable Phil Mendelson

FIS: "Strangulation Prohibition Amendment Act of 2019," Draft Bill as shared with the Office of Revenue
Analysis on October 30, 2019

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The bill's implementation gives prosecutors the ability to charge a perpetrator with manual strangulation as a felony and impose enhanced penalties if certain conditions are met. There are no costs associated with the bill's implementation.