

AN ACT relating to strangulation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of strangulation when he or she, other than as part of a legitimate medical or dental procedure, recklessly impedes the normal breathing or circulation of the blood of another person by:

(a) Applying pressure on the throat or neck of the other person; or

(b) Blocking the nose or mouth of the other person.

(2) Strangulation is a Class A misdemeanor unless one (1) of the following aggravating circumstances is present, in which case it is a Class D felony:

(a) The victim loses consciousness or loses bowel or bladder control;

(b) The victim is protected by a valid;

1. Domestic violence order issued pursuant to KRS 403.740;

2. Pretrial release no contact order issued pursuant to KRS 431.064; or

3. Interpersonal protective order issued pursuant to KRS 456.060;

(c) The person has a prior conviction under this section or under a similar offense in another jurisdiction that involves impeding the normal breathing or circulation of blood of another person without the consent of the other person;

(d) The person has a prior conviction under KRS 508.010, 508.020, or 508.025 or a similar offense for criminal assault in another jurisdiction, and the victim in the prior conviction is the same person who is the victim of the current offense; or

(e) The person has at least three (3) prior convictions under KRS 508.010, 508.020, or 508.025.