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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1581 Session of  
2015

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INTRODUCED BY CORBIN, DELOZIER, MILLARD, O'BRIEN, V. BROWN,  
BARRAR, PICKETT, BARBIN, BAKER, McNEILL, SAINATO, STEPHENS,  
DONATUCCI, READSHAW, BOBACK, KAUFFMAN, COHEN, ROSS, MAJOR,  
D. COSTA, D. PARKER, DeLUCA, WATSON, WARD, FEE, OBERLANDER,  
HELM, HARPER, PHILLIPS-HILL, HARHART, GILLEN, TOOHL,  
SCHLEGEL CULVER, MURT, LEWIS, HENNESSEY, TRUITT, GOODMAN,  
C. PARKER, BRADFORD, TOEPEL, KNOWLES, FABRIZIO, HARKINS,  
DEAN, MARSICO, IRVIN, BENNINGHOFF, FARRY, FRANKEL AND KLUNK,  
OCTOBER 1, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, providing for the offense  
3 of strangulation.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 2718. Strangulation.

9 (a) Offense defined.--A person commits the offense of  
10 strangulation if the person knowingly or intentionally impedes  
11 the breathing or circulation of the blood of another person by:

12 (1) applying pressure to the throat or neck; or

13 (2) blocking the nose and mouth of the person.

14 (b) Physical injury.--Infliction of a physical injury to a  
15 victim shall not be an element of the offense. The lack of

1 physical injury to a victim shall not be a defense in a  
2 prosecution under this section.

3 (c) Affirmative defense.--It shall be an affirmative defense  
4 to a charge under this section that the victim consented to the  
5 defendant's actions as provided under section 311 (relating to  
6 consent).

7 (d) Grading.--

8 (1) Except as provided in paragraph (2), a violation of  
9 this section shall constitute a felony of the second degree.

10 (2) A violation of this section shall constitute a  
11 felony of the first degree if:

12 (i) at the time of commission of the offense, the  
13 defendant is subject to an active protection from abuse  
14 order under 23 Pa.C.S. Ch. 61 (relating protection from  
15 abuse) or a sexual violence or intimidation protection  
16 order under 42 Pa.C.S. Ch. 62A (relating to protection of  
17 victims of sexual violence or intimidation) that covers  
18 the victim;

19 (ii) the person uses an instrument of crime as  
20 defined in section 907 (relating to possessing  
21 instruments of crime) in commission of the offense under  
22 this section; or

23 (iii) the defendant has previously been convicted of  
24 an offense under this section.

25 Section 2. This act shall take effect in 60 days.