

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENGROSSED

House Bill 4362

(BY DELEGATES KURCABA, FLEISCHAUER, STATLER,
HOUSEHOLDER, ESPINOSA, OVERINGTON, WELD,
SUMMERS, BLAIR, BYRD AND UPSON)

[Introduced February 2, 2016;
referred to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-2-9d, relating to crimes against the person; establishing a felony offense
 3 of strangulation; defining terms; and providing penalties.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §61-2-9d, to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; definitions; penalties.

1 (a) As used in this section:

2 (1) "Bodily injury" means substantial physical pain, illness or any impairment of physical
 3 condition;

4 (2) "Strangle" means knowingly and willfully restricting another person's air intake or blood
 5 flow by the application of pressure on the neck or throat;

6 (b) Any person who strangles another person without consent and thereby causes the
 7 other person bodily injury or the loss of consciousness is guilty of a felony and, upon conviction
 8 thereof, shall be fined not more than \$2,500 or imprisoned in a state correctional facility not less
 9 than one year or more than five years, or both fined and imprisoned.

NOTE: The purpose of this bill is to create the felony crime of strangulation and provide a new criminal penalty for strangulation.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.

This bill was recommended for introduction by the following House members of the Joint Interim Committee on the Judiciary: Delegates Shott, Azinger, Byrd, Deem, Fast, Fleischauer, Fluharty, Folk, Foster, Hanshaw, Hicks, Ireland, Kessinger, Lane, Manchin, McCuskey, Moore, Overington, Rowe, Shaffer, Skinner, Sobonya, Summers, Weld, & B. White.