



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1027

H.P. 761

House of Representatives, March 10, 2011

An Act To Make Strangulation an Aggravating Sentencing Factor

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STEVENS of Bangor.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BLODGETT of Augusta, CLARKE of Bath, EVES of North Berwick,
HASKELL of Portland, LAJOIE of Lewiston, MORISSETTE of Winslow, PLUMMER of
Windham, Senator: WHITTEMORE of Somerset.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §207, sub-§4** is enacted to read:

3 4. If the State pleads and proves that the bodily injury or offensive physical contact
4 included strangulation, the court, in determining the appropriate sentence, shall treat this
5 as an aggravating sentencing factor. For the purposes of this subsection, "strangulation"
6 means the application of pressure to another person's throat or neck or the blocking of the
7 other person's nose or mouth that causes the other person to experience impeded
8 breathing or blood circulation.

9 **Sec. 2. 17-A MRSA §207-A, sub-§3** is enacted to read:

10 3. If the State pleads and proves that the bodily injury or offensive physical contact
11 included strangulation, the court, in determining the appropriate sentence, shall treat this
12 as an aggravating sentencing factor. For the purposes of this subsection, "strangulation"
13 means the application of pressure to another person's throat or neck or the blocking of the
14 other person's nose or mouth that causes the other person to experience impeded
15 breathing or blood circulation.

16 **Sec. 3. 17-A MRSA §208, sub-§3** is enacted to read:

17 3. If the State pleads and proves that the bodily injury or serious bodily injury
18 included strangulation, the court, in determining the appropriate sentence, shall treat this
19 as an aggravating sentencing factor. For the purposes of this subsection, "strangulation"
20 means the application of pressure to another person's throat or neck or the blocking of the
21 other person's nose or mouth that causes the other person to experience impeded
22 breathing or blood circulation.

23 **SUMMARY**

24 This bill creates an aggravating sentencing factor for assault, domestic violence
25 assault and aggravated assault. If the offensive physical contact, bodily injury or serious
26 bodily injury in the commission of the crime included strangulation, the court must
27 consider it as an aggravating sentencing factor in setting a sentence. "Strangulation" is
28 defined as the application of pressure to another person's throat or neck or the blocking of
29 the other person's nose or mouth that causes the other person to experience impeded
30 breathing or blood circulation.