**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3684**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harris

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Introduced in the House on January 12, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Strangulation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/12/2023 House Introduced and read first time (House Journal‑page 336)

 1/12/2023 House Referred to Committee on **Judiciary** (House Journal‑page 336)

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**VERSIONS OF THIS BILL**

[01/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3684_20230112.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑3‑605 SO AS TO DEFINE THE TERM “STRANGULATION”, CREATE THE OFFENSES OF STRANGULATION AND AGGRAVATED STRANGULATION, PROVIDE PENALTIES FOR THE OFFENSES, AND PROVIDE AN EXCEPTION.

Whereas, nonfatal strangulation results in serious physiological and psychological health risks for victims. Injuries from nonfatal strangulation can be acute and immediate while in other instances the onset of complications can be delayed by hours, days, or even weeks. In some cases, physiological health risks occur years after the incident when lethal effects of nonfatal strangulation are realized due to the damage in the arteries in the neck which leads to embolization; and

Whereas, according to the National Coalition Against Domestic Violence, of those women who are victims of Intimate Partner Violence, IPV, 68 percent will experience nonfatal strangulation. Per the National Institute on Strangulation, statistics show that being strangled once in a domestic violence incident increases your risk of being strangled again by the abuser to 750 percent and the risk of death by the abuser increases to 850 percent. Two studies conducted in South Carolina, one a crime reporting survey and the other a crime victimization survey, demonstrate that 12 to 23 percent of victims of domestic violence have reported an incident of nonfatal strangulation. This is significant because South Carolina has held the dubious distinction of being in the annual top ten of domestic violence fatalities for twenty‑five years, with the exception of one year; and

Whereas, nonfatal strangulation occurs in domestic and nondomestic violence incidences. News media reports collected in South Carolina from 2017 to 2022, though these may not cover all reported incidences, show 23 news stories of nonfatal strangulation incidences. These included vulnerable adults, assaults on nonhousehold members, and persons with no familial relations. Notably, the recent South Carolina Law Enforcement Reform Bill has categorized choke holds and neck restraints as deadly force if used by law enforcement. Yet, South Carolina is currently the last state to pass a bill addressing the seriousness of nonfatal strangulation in criminal cases. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑605. (A) For purposes of this section, “strangulation” means the restricting of air flow or blood circulation of a person by external pressure to the throat or neck, or the blocking of the nose or mouth of a person, or applying weight to the torso, abdomen, or shoulders so as to restrict breathing of another person regardless of whether that conduct results in a visible injury or whether there is intent to kill or protractedly injure another person.

 (B) A person commits the offense of strangulation if he impedes or creates a substantial risk of impeding normal breathing or restricting air flow or circulation of blood by applying pressure to the throat or neck of another person by blocking the nose or mouth of another person, or applying weight to the torso, abdomen, shoulders so as to restrict breathing of another person regardless of whether that conduct results in a visible injury or whether there is intent to kill or protractedly injure another person.

 (C) Except as provided in subsection (D), a person who violates the provisions of this section is guilty of the offense of strangulation and, upon conviction, must be imprisoned not less than three years but not more than ten years.

 (D)(1) A person commits the offense of aggravated strangulation if, at the time of the commission of the offense, he:

 (a) is subject to a valid order of protection or restraining order, regardless of whether the order is emergency, permanent, or otherwise;

 (b) wields a deadly weapon, as defined in Section 16‑25‑10, or ligatures including, but not limited to, a rope or similar object which may cause asphyxia without suspending the body; or

 (c) has a prior conviction for a strangulation offense pursuant to the provisions of this section.

 (2) A person who violates the provisions of this subsection, upon conviction, must be imprisoned not less than ten years but not more than twenty years.

 (E) Infliction of physical injury to another person is not an element of the offense due to the nature of the possibility of injuries that are not readily visible. The lack of physical injury to another person is not a defense in a prosecution pursuant to the provisions of this section.

 (F) It is an affirmative defense to a charge pursuant to this section that the act was performed as a part of a necessary medical procedure to aid or benefit the victim or was an otherwise lawful action taken by law enforcement personnel during the course of their duties.

SECTION 2. This act takes effect upon approval by the Governor.

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