**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3522**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Caskey, Pope, Gilliam and Wooten

Document Path: LC-0015AHB25.docx

Prefiled in the House on December 5, 2024

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

Summary: Strangulation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3522_20241205.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.

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 knowingly or intentionally 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, 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.

 (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) Law enforcement shall inform a victim of a strangulation offense, as defined in this section, that strangulation may cause serious internal injuries and encourage the victim to seek medical attention, as appropriate.

 (F) 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.

 (G) 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 a person or law enforcement personnel. Additionally, it is an affirmative defense to a charge pursuant to this section that the victim consented to the defendant’s actions.

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

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