



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 362

131st General Assembly
(As Introduced)

Reps. Stinziano and Kunze

BILL SUMMARY

- Creates the offense of strangulation, a felony of the third degree or second degree, depending on the offender's prior convictions.
- Creates as an affirmative defense to a charge of strangulation that the act was done as part of a medical or other procedure undertaken for the victim's benefit.

CONTENT AND OPERATION

Strangulation

The bill creates the offense of strangulation. Strangulation consists of knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person. The prosecutor is not required to allege or prove that the victim suffered physical harm, serious physical harm, or visible injury.¹

Under the bill, it is an affirmative defense to a charge of strangulation that the act was done as part of a medical or other procedure undertaken to aid or benefit the victim.²

Strangulation is generally a felony of the third degree. For most third degree felonies, the court may impose a definite prison term of 9, 12, 18, 24, 30, or 36 months. For strangulation, however, as for some other offenses, the term may be 12, 18, 24, 30,

¹ R.C. 2903.17(A) and (B).

² R.C. 2903.17(C).

36, 42, 48, 54, or 60 months.³ Strangulation is a felony of the second degree if the offender has a prior conviction for strangulation or for two or more offenses of violence.⁴ For a second degree felony, the court may sentence the offender to a prison term of two, three, four, five, six, seven, or eight years.⁵

The bill provides that the creation of the offense of strangulation does not limit or preclude prosecution for any other offense. Any one or more acts, series of acts, or course of conduct that can be prosecuted under the strangulation section or any other section of the Revised Code may be prosecuted under either section or both.⁶

HISTORY

ACTION	DATE
Introduced	10-13-15

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³ R.C. 2929.14(A)(3).

⁴ R.C. 2903.17(E).

⁵ R.C. 2929.14(A)(2), unchanged by the bill.

⁶ R.C. 2903.17(D).

