

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Make Strangulation an Aggravating Sentencing Factor**

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

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

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

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

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

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

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

### **SUMMARY**

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