

STATE OF MAINE

KATHRYN SLATTERY
DISTRICT I

JACQUELINE SARTORIS
DISTRICT II

NEIL MCLEAN
DISTRICT III

MAEGHAN MALONEY
DISTRICT IV



R. CHRISTOPHER ALMY
DISTRICT V

NATASHA IRVING
DISTRICT VI

ROBERT GRANGER
DISTRICT VII

TODD R. COLLINS
DISTRICT VIII

MAINE PROSECUTORS ASSOCIATION
SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act Regarding Prosecution Standards for Nonfatal Strangulation
or Suffocation in Domestic Violence Cases”
Before the Joint Standing Committee on Judiciary
Public Hearing Date: April 14, 2025
Testimony Neither for Nor Against LD 1572

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify neither for nor against LD 1572. The Maine Prosecutors Association absolutely appreciates Representative Stover’s zealous advocacy for victims of domestic abuse and her recognition regarding the barriers of successful prosecution, specifically in cases of strangulation.

If a victim is strangled even one time, studies show she is 750% more likely to be killed by her abuser.¹ Stranglers have been linked to domestic violence homicides, mass and school shootings and officers killed in the line of duty.² Strangulation is also a gendered-crime. The vast majority of stranglers are men.³ Strangulation communicates a clear intent and willingness to kill.

That being said, the Maine Prosecutors Association believes the language in this bill would be held unconstitutional for multiple reasons. The clear intent of this bill to hold offenders accountable for their chosen behavior to strangle their victim. We support this intent and offer other ideas that could make a great impact in holding offenders accountable and providing for victim safety.

First, there is a great need in Maine to have specialized prosecutors in the field of domestic and sexual abuse. We do this for drug crimes and even have a statute that mandates an assistant attorney general as a full-time coordinator of drug prosecution matters.⁴ There is great benefit in this kind of specialized prosecution that can dispel myths, provide and receive specialized trainings, closely work with community partners, and have a workload that is appropriate to properly oversee these case types. This would help hold stranglers accountable for their behavior.

Second, carving out strangulation as its own crime could benefit in the clarity of the elements of the crime for a jury. Strangulation is currently part of the aggravated assault statute that uses the term “circumstances manifesting extreme indifference to the value of human life” and the statute goes further to say that such circumstances include but are not limited to the “use of strangulation.”⁵

¹ Glass, 2008.

² Gwinn, Strack, 2014.

³ Strack, Hawley, 2001.

⁴ 25 M.R.S. § 2955(7).

⁵ 17-A M.R.S. § 208(1)(C).

Making strangulation its own crime would provide clarity to the factfinder on what exactly the State needs to prove without the superfluous language in the rest of the aggravated assault statute.

Third, we support making suffocation its own crime instead of having to prove it within “circumstances manifesting extreme indifference to the value of human life.” The most typical scenario for suffocation is when the victim is on her back on the bed or floor, with the offender sitting on top of her. The pressure of his body down onto her chest or abdomen reduces her ability to expand her chest wall during inspiration⁶ thereby producing positional asphyxiation. We would suggest that any definition of suffocation include pressure on a person’s chest.

Holding stranglers accountable for their actions is really hard. The Maine Prosecutors Association would be happy to engage with stakeholders to identify ways the criminal justice system can be more victim centered and trauma informed that lead to successful prosecution while still upholding defendants’ constitutional rights.

For these reasons, the Maine Prosecutors Association is neither for nor against LD 1572.

⁶ The process of breathing in.