

2012 -- H 7242

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LC00842
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL OFFENSES - ASSAULTS

Introduced By: Representatives DaSilva, E Coderre, Ruggiero, Walsh, and Johnston

Date Introduced: January 25, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-5 of the General Laws entitled "Assaults" is hereby amended by
2 adding thereto the following section:

3 **11-5-2.3. Domestic assault by strangulation.** -- (a) Every person who shall make an
4 assault or battery, or both, by strangulation, on a family or household member as defined in
5 subsection 12-29-2(b), shall be punished by imprisonment for not more than twenty (20) years.

6 (b) Where the provisions of "The Domestic Violence Prevention Act", chapter 29 of title
7 12, are applicable, the penalties for violation of this section shall also include the penalties as
8 provided in section 12-29-5.

9 (c) "Strangulation" means intentionally impeding normal breathing or circulation of the
10 blood by applying pressure on the throat or neck or by blocking the nose or mouth of another
11 person.

12 SECTION 2. Section 12-29-2 of the General Laws in Chapter 12-29 entitled "Domestic
13 Violence Prevention Act" is hereby amended to read as follows:

14 **12-29-2. Definitions.** -- (a) "Domestic violence" includes, but is not limited to, any of the
15 following crimes when committed by one family or household member against another:

- 16 (1) Simple assault (section 11-5-3);
17 (2) Felony assaults (sections 11-5-1, 11-5-2, and 11-5-4);
18 (3) Vandalism (section 11-44-1);
19 (4) Disorderly conduct (section 11-45-1);

- 1 (5) Trespass (section 11-44-26);
2 (6) Kidnapping (section 11-26-1);
3 (7) Child-snatching (section 11-26-1.1);
4 (8) Sexual assault (sections 11-37-2, 11-37-4);
5 (9) Homicide (sections 11-23-1 and 11-23-3);
6 (10) Violation of the provisions of a protective order entered pursuant to section 15-5-19,
7 chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order
8 and the penalty for its violation or a violation of a no contact order issued pursuant to section 12-
9 29-4;
10 (11) Stalking (sections 11-59-1 et seq.);
11 (12) Refusal to relinquish or to damage or to obstruct a telephone (section 11-35-14);
12 (13) Burglary and Unlawful Entry (section 11-8-1 et seq.);
13 (14) Arson (section 11-4-2 et seq.); ~~and~~
14 (15) Cyberstalking and cyberharassment (section 11-52-4.2); ~~and~~
15 (16) Domestic assault by strangulation section 11-5-2.3.

16 (b) "Family or household member" means spouses, former spouses, adult persons related
17 by blood or marriage, adult persons who are presently residing together or who have resided
18 together in the past three (3) years, and persons who have a child in common regardless of
19 whether they have been married or have lived together, or if persons who are or have been in a
20 substantive dating or engagement relationship within the past one year which shall be determined
21 by the court's consideration of the following factors:

- 22 (1) the length of time of the relationship;
23 (2) the type of the relationship;
24 (3) the frequency of the interaction between the parties.

25 (c) "Protective order" means an order issued pursuant to section 15-5-19, chapter 15 of
26 title 15, or chapter 8.1 of title 8.

27 (d) "Victim" means a family or household member who has been subjected to domestic
28 violence.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make domestic assault by strangulation a felony punishable by
2 imprisonment for not more than twenty (20) years.

3 This act would take effect upon passage.

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