

2012 -- S 2147

=====
LC00184
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO CRIMINAL OFFENSES - ASSAULTS

Introduced By: Senators DeVall, Crowley, and Tassoni

Date Introduced: January 18, 2012

Referred To: Senate 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. Felony assault--Strangulation.** – (a) Every person who shall make an assault
4 or battery, or both, who knowingly and intentionally applies pressure on the throat or neck of
5 another person with the intent to cause harm to that person, shall be punished by imprisonment
6 for not more than twenty (20) years.

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

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

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

- 14 (1) Simple assault (section 11-5-3);
15 (2) Felony assaults (sections 11-5-1, 11-5-2, [11-5-2.3](#) and 11-5-4);
16 (3) Vandalism (section 11-44-1);
17 (4) Disorderly conduct (section 11-45-1);
18 (5) Trespass (section 11-44-26);
19 (6) Kidnapping (section 11-26-1);

- 1 (7) Child-snatching (section 11-26-1.1);
- 2 (8) Sexual assault (sections 11-37-2, 11-37-4);
- 3 (9) Homicide (sections 11-23-1 and 11-23-3);
- 4 (10) Violation of the provisions of a protective order entered pursuant to section 15-5-19,
- 5 chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order
- 6 and the penalty for its violation or a violation of a no contact order issued pursuant to section 12-
- 7 29-4;
- 8 (11) Stalking (sections 11-59-1 et seq.);
- 9 (12) Refusal to relinquish or to damage or to obstruct a telephone (section 11-35-14);
- 10 (13) Burglary and Unlawful Entry (section 11-8-1 et seq.); and
- 11 (14) Arson (section 11-4-2 et seq.).
- 12 (b) "Family or household member" means spouses, former spouses, adult persons related
- 13 by blood or marriage, adult persons who are presently residing together or who have resided
- 14 together in the past three (3) years, and persons who have a child in common regardless of
- 15 whether they have been married or have lived together, or if persons who are or have been in a
- 16 substantive dating or engagement relationship within the past one year which shall be determined
- 17 by the court's consideration of the following factors:
- 18 (1) the length of time of the relationship;
- 19 (2) the type of the relationship;
- 20 (3) the frequency of the interaction between the parties.
- 21 (c) "Protective order" means an order issued pursuant to section 15-5-19, chapter 15 of
- 22 title 15, or chapter 8.1 of title 8.
- 23 (d) "Victim" means a family or household member who has been subjected to domestic
- 24 violence.
- 25 SECTION 3. This act shall take effect upon passage.

=====
LC00184
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - ASSAULTS

1 This act would provide that strangling another person would be a felony assault, and that
2 strangling, when committed by one family or household member against another, is a crime of
3 domestic violence.

4 This act would take effect upon passage.

=====
LC00184
=====