

**2012 -- S 2147 SUBSTITUTE A AS AMENDED**

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LC00184/SUB A  
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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: 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. 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 ten (10) 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 knowingly and intentionally impeding normal breathing or  
10 circulation of the blood by applying pressure on the throat or neck or by blocking the nose or  
11 mouth of another person with the intent to cause that person harm.

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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RELATING TO CRIMINAL OFFENSES - ASSAULTS

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1           This act would make domestic assault by strangulation a felony punishable by  
2 imprisonment for not more than ten (10) years.

3           This act would take effect upon passage.

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