



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1581

PRINTERS NO. 3089

PRIME SPONSOR: Corbin

### COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See "Fiscal Impact" below.	

**SUMMARY:** House Bill 1581 amends the Crimes Code by adding the offense of strangulation. It would take effect in 60 days.

**ANALYSIS:** A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by applying pressure to their throat or neck; or blocking their nose and mouth. Infliction of a physical injury to a victim is not a necessary element of the offense, and the lack of physical injury to a victim is not a defense against prosecution. However, it is an affirmative defense to a charge of strangulation if the victim consented to the actions.

The basic offense of strangulation is a misdemeanor of the second degree, punishable by a fine of up to \$5,000 and/or up to two years in prison. Strangulation is graded as a felony of the second degree, punishable by a fine of up to \$25,000 and/or up to 10 years in prison, if committed against a family or household member, if the defendant is a caretaker and the victim is a care dependent person, or if committed in conjunction with sexual violence, stalking, or human trafficking. The offense will be a felony of the first degree, punishable by a fine of up to \$25,000 and/or up to 20 years in prison, if the perpetrator is subject to an active protection from abuse order or a sexual violence or intimidation protection order, if the perpetrator uses an instrument of crime in the commission of the offense, or if the perpetrator has previously been convicted of the offense.

**FISCAL IMPACT:** Enactment of this legislation creates a new misdemeanor of the second degree, punishable by up to two years in prison. Under certain circumstances, the offense is a second degree felony, punishable by up to 10 years in prison, or a first degree felony, punishable by up to 20 years in prison. This could have a fiscal impact on the Commonwealth and county governments by increasing the number of people in prison. However, reliable data do not exist to determine how many individuals may be arrested, tried, convicted, and sentenced for strangulation, and under what circumstances. Therefore, it is not possible to provide an estimate at this time.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** April 6, 2016

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*