

SPONSOR: Rep. Griffith & Rep. Dorsey Walker & Rep. Bush & Sen. Hansen
Reps. Cooke, K. Williams; Sens. Mantzavinos, Pettyjohn, Poore, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 440
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES AGAINST THE PERSON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 607. Strangulation or suffocation; penalty; affirmative defense.

(a) (1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person.

(2) A person commits the offense of suffocation if the person knowingly or intentionally prevents another person from breathing by blocking or obstructing the nose or mouth of the other person.

(b) (1) Except as provided in paragraph ~~(a)(3)~~ (b)(2) of this section, strangulation or suffocation is a class ~~E~~ D felony.

(2) ~~(3)~~ Strangulation or suffocation is a class ~~D~~ B felony if:

a. The person used or attempted to use a dangerous instrument or a deadly weapon while committing the offense; or

b. The person caused serious physical injury to the other person while committing the offense; or

~~c. The person has been previously convicted of strangulation.~~ [Repealed]

d. The person was subject to an existing court order prohibiting contact with the victim at the time of the offense; or

e. The person committed the offense against a pregnant female; or

f. The person committed the offense against a child.

(c) Notwithstanding any provisions of this Code to the contrary, any person who commits an offense under subsection (a) of this section within 5 years of a prior conviction under either subsection (a) or (b) of this section or a substantially similar section of another state, shall receive a minimum sentence of 1 year at Level 5.

(d) The absence of visible bodily injury shall not preclude a conviction under this section.

~~(b)~~ (e) It is an affirmative defense that an act constituting strangulation was the result of a legitimate medical procedure.