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DELAWARE STATE SENATE  
145th GENERAL ASSEMBLY

SENATE BILL NO. 197

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:

- 1 Section 1. Amend Chapter 5, Title 11 of the Delaware Code by adding a new Section 607 to read as follows:
- 2 “§607. Strangulation; penalty; affirmative defense.
- 3 (a) (1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the
- 4 breathing or circulation of the blood of another person by applying pressure on the throat or neck
- 5 of the other person.
- 6 (2) Except as provided in paragraph (3) of this subsection, Strangulation is a Class E felony.
- 7 (3) Strangulation is a Class D felony if:
- 8 a. The person used or attempted to use a dangerous instrument or a deadly weapon while committing
- 9 the offense; or
- 10 b. The person caused serious physical injury to the other person while committing the offense; or
- 11 c. The person has been previously convicted of strangulation.
- 12 (b) It is an affirmative defense that an act constituting strangulation was the result of a legitimate
- 13 medical procedure.”

SYNOPSIS

Currently there is not a crime of strangulation in Delaware's criminal code. Cases of strangulation have been prosecuted using the crime of assault or even the misdemeanor charge of offensive touching. This Act recognizes the severity of the crime of strangulation by making it a stand-alone felony. Strangulation is a leading indicator in domestic violence deaths. Delaware would become the 19th state with a strangulation felony law on the books.

Author: Senator Blevins