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Senate stands up for victims of strangulation

SB 1562 expands definition of strangulation and elevates it to a felony

SALEM – Strangulation within the context of domestic violence is a crime designed to assert power and control over a partner, making it among the worst kinds of domestic violence. The Oregon Senate passed a bill today that will hold perpetrators of strangulation crimes accountable.

Senate Bill 1562 – which passed today with unanimous support – expands the statutory definition of strangulation to include applying pressure to the chest of the victim. The bill also increases the penalty for strangulation, when the victim is a “family or household member,” or when it is in the context of domestic violence, to a Class C felony.

“It is well known that domestic violence is not an issue of anger management or lack of control,” said Sen. Kathleen Taylor, D-Portland, who carried the bill on the Senate floor. “It is about power and control. Abusers use a variety of tactics to gain power and control over their partners. Among those tactics of abuse is physical abuse, and one of the most extreme forms of physical abuse is strangulation.”

Strangulation is an incredibly dangerous and often lethal crime. It is among the worst forms of intimidation crime. Libra Ford is a domestic survivor who stands 6 feet, 5 inches, tall. She was strangled for years by her spouse and submitted testimony in support of this legislation.

“You wouldn’t think that a woman of my stature could be diminished in just a second,” she testified. “Strangulations put fear in my life and put a chokehold on my freedom. There is nothing more fearful than watching your spouse with evil in their eyes sit over you and hold you

in a way that stops your breathing, hope and sense of self. It is a prison that you feel like you can never get out of.”

Clackamas County Senior Deputy District Attorney John Wentworth also testified in support of SB 1562, asking, “What incentive does a woman have to report when the system refuses to take her strangulation seriously? What message are we sending to the offender and his victim?”

Many prosecutors think the current law says to victims and abusers that victims’ safety isn’t taken seriously. The Oregon District Attorneys Association, Oregon Association of Chiefs of Police and the Oregon Sheriffs’ Association feel that this important update to Oregon’s criminal statutes will help to address that problem.

Strangulation occurs when a person knowingly impedes the normal breathing or circulation of the blood of another person by either applying pressure to the throat or neck of the other person, or blocking the nose or mouth. The bill adds pressing down on the victim’s chest to stop blood flow to the definition. Strangulation currently is a Class A misdemeanor with a maximum jail sentence of 364 days and a maximum fine of \$6,250. The crime is elevated to a Class C felony – which carries a maximum prison sentence of 5 years and maximum fine of \$125,000 – when:

- The offense is committed in the presence of, or witnessed by, a minor child, stepchild or minor child residing in the household;
- The victim is younger than 10 years old;
- The person used, attempted or threatened to use a dangerous or deadly weapon;
- The person has previously been convicted of strangulation, assault or menacing against the same victim;
- The person has at least three prior convictions for strangulation, assault or menacing; or
- The person knows the victim was pregnant.

SB 1562 will add “The victim is a family or household member, as defined in ORS 135.230, of the person” to instances within which the crime is considered a felony.

“Victims of domestic and sexual violence often minimize the violence and injuries to protect themselves from future assault because they have learned that the abuser will come back for them and the abuse will get worse,” Clackamas Women’s Services Executive Director Melissa Erlbaum testified. “We also know that despite the serious internal injuries caused by strangulation there are frequently no external injuries present. This is one of many reasons why it is imperative for us to recognize this crime as a felony and work diligently to ensure safety for victims and prevent recidivism of this dangerous and life-threatening crime.”

The bill now goes to the House of Representatives for consideration.

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