



**Testimony in Support of HB 2955
Before the House Committee on Judiciary
March 23, 2017**

Chair Barker, Vice-Chairs Williamson and Olson, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to testify this morning in support of HB 2955, would update the definition of strangulation and upgrade the misdemeanor crime to a class C felony when strangulation is committed against a family or household member. I thank the Committee for giving this issue time on the agenda, and the sponsors for their support of this concept.

As you know, OLC is a statewide non-profit entity that provides free civil legal services to low-income Oregonians. Over the years, the Law Center has seen an increasing number of clients whose civil legal issues are related to domestic violence, sexual assault, and stalking. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty. We are committed to helping to improve the coordinated community and system response necessary to help stop this violence.

Strangulation is a serious and highly lethal crime. It can lead to unconsciousness in ten to sixty seconds and death in a matter of minutes.¹ Victims may have no visible injuries, yet because of underlying brain damage due to the lack of oxygen during the strangulation, they often have serious internal injuries and sometimes die days or weeks after the assault.²

What we have learned over the years is that strangulation is especially prevalent in domestic violence and sexual assault cases. Leading experts consider strangulation to be one of the strongest lethality indicators in domestic violence cases.³ According to the National Coalition Against Domestic Violence, strangulation is one of the top five risk factors in homicides related to domestic violence. Each year in the U.S., 10 percent of violent deaths are attributed to strangulation, and a domestic-violence victim who has been subjected to that type of attack is nine times more likely to be killed than those who haven't faced it, according to the council. A study of femicides from 1994-2000 found that 56% of female homicide victims experienced a previous strangulation incident by their partners.

The act of strangulation is an extreme exercise of power and control over the victim. When one person purposefully deprives another of the ability to breathe, there can be no doubt who is in control. A single experience of strangulation, or the threat of it, can have a devastating psychological impact on the victim. In addition, strangulation can have substantial physical, neurological, and psychological effects. Repeated strangulation attempts result in a greater

¹Strack, Gael B., McClane, George E., and Hawley, Dean (2001). A review of 300 attempted strangulation cases Part 1: Criminal Legal Issues. Violence Recognition, Management, and Prevention. 21 (3) pg. 303-309.

² Strack, Gael B (2010) CEO, National Family Justice Center Alliance.

³ Strack, Gael B., McClane, George E., and Hawley, Dean (2001). A review of 300 attempted strangulation cases Part 1: Criminal Legal Issues. Violence Recognition, Management, and Prevention. 21 (3) pg. 303-309.

number of adverse health conditions experienced by victims.⁴ All this, in the cases where strangulation does *not* result in a death.

Unfortunately, all too often the dangers associated with strangulation go unrecognized. If strangulation is not completed, the injury to the victim may be hard to immediately identify. As a misdemeanor, the crime risks being overlooked, or minimized – by perpetrators, system responders, and even victims themselves.

Heightening the status of the crime to a felony is an appropriate recognition of the lethality of the behavior, and will send a message to all as to the severity of the crime. Most importantly, the bill will contribute to victim safety. Charging this crime as a felony is more likely to remove perpetrators from the home in the immediate aftermath of the crime, allowing survivors the time and space necessary to seek safety. When a crime is a felony, it is more likely to be treated seriously by the public, system responders, and victims.

Across the nation, upgrading strangulation to a felony crime is clearly the trend. At least 30 states now have felony strangulation laws in effect. A recent study conducted after passage of Minnesota’s strangulation felony bill indicated that their new law had contributed to awareness. One survey respondent, a judge, said *“This law is doing what we hoped it would do: it is drawing attention to the potential lethality of this crime. More resources are being devoted to this type of case. We have also increased the consequences, and in some ways educated the public on domestic violence.”*⁵

HB 2955 proposes a sensible update to current Oregon law, and will help ensure that our criminal justice system prioritizes the safety of domestic violence assault victims.

Thank you for the opportunity to testify this afternoon.

⁴ Smith, D. J., Mills, T., & Taliaferro, E. H. (2001). Frequency and relationship of reported symptomology in victims of intimate partner violence: the effect of multiple strangulation attacks. *Journal of Emergency Medicine*, 21, 323-329.

⁵ Wolfgram, Heather, MSW, LGSW, WatchCourt Monitoring Coordinator, 2007. The Impact of Minnesota’s Felony Strangulation Law.