Enr. H.B. 4362

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

House Bill 4362

(By Delegates Kurcaba, Fleischauer, Statler,
Householder, Espinosa, Overington, Weld,
Summers, Blair, Byrd and Upson)

[Passed March 5, 2016; in effect ninety days from passage.]
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to crimes against the person; establishing the felony offense of strangulation; defining terms; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-2-9d, to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; definitions; penalties.

(a) As used in this section:

(1) "Bodily injury" means substantial physical pain, illness or any impairment of physical condition;

(2) "Strangle" means knowingly and willfully restricting another person's air intake or blood flow by the application of pressure on the neck or throat;

(b) Any person who strangles another without that person's consent and thereby causes the other person bodily injury or loss of consciousness is guilty of a felony and, upon conviction thereof, shall be fined not more than $2,500 or imprisoned in a state correctional facility not less than one year or more than five years, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the day of , 2016.

Governor