

1 HB175
2 126331-1
3 By Representatives Morrow and McCutcheon
4 RFD: Judiciary
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under existing law, the crime of
9 strangulation or suffocation is not a defined
10 crime.

11 This bill would provide for the crime of
12 strangulation or suffocation and would provide
13 penalties.

14 This bill would provide for the crime of
15 aggravated strangulation or suffocation under
16 certain conditions and would provide penalties.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To provide for the crime of strangulation or
16 suffocation; to provide for the crime of aggravated
17 strangulation or suffocation; to provide penalties; and in
18 connection therewith would have as its purpose or effect the
19 requirement of a new or increased expenditure of local funds
20 within the meaning of Amendment 621 of the Constitution of
21 Alabama of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) For the purposes of this section, the
26 following terms have the following meanings:

1 (1) STRANGULATION. Intentionally impeding breathing
2 or circulation of the blood by closure or compression of the
3 blood vessels or air passages of the neck as a result of
4 external pressure on the neck.

5 (2) SUFFOCATION. Intentionally impeding breathing or
6 circulation of the blood by depriving a person of air or by
7 preventing a person from breathing through the inhalation of
8 toxic gases or by blocking or obstructing the airway of a
9 person, by any means other than by strangulation, as defined
10 by this act.

11 (b) A person commits the crime of strangulation or
12 suffocation if the person commits an assault in the third
13 degree pursuant to Section 13A-6-22, Code of Alabama 1975,
14 with intent to cause physical harm by strangulation or
15 suffocation or commits the crime of menacing pursuant to
16 Section 13A-6-23, Code of Alabama 1975, by strangulation or
17 suffocation.

18 (c) Strangulation or suffocation is a Class C
19 felony.

20 (d) A person who violates subsection (b) and whose
21 conduct in doing so also violates a court order or injunction
22 against that person is guilty of the crime of aggravated
23 strangulation or suffocation.

24 (e) The crime of aggravated strangulation or
25 suffocation is a Class B felony.

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 3. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.