



## Close the dangerous loophole in VA's strangulation statute

**The problem:** Throughout the pandemic, both the frequency and lethality of intimate partner violence has been on the rise. The act of suffocating or smothering is an increasingly used, and incredibly lethal, tactic employed by abusers. Domestic violence advocates, Commonwealth's Attorneys, and Law Enforcement have seen many recent abuse cases involving this act where respiration is knowingly impeded but the abuser is careful to not leave marks or cause death – the act is meant to torture an individual while evading criminal charges or prosecution. This act is also indicative of increasing lethality and danger for the victim.

There is a dangerous loophole in Virginia's definition of "strangulation" where the specific act of restricting oxygen to an individual's airways is not captured under current law. **Thirty-nine states, including federal law, currently address suffocation, or blocking or obstructing the airway of another, in their definition of strangulation.** It is time for Virginia to fix this oversight and to provide victims of violence, and those who work with them, with the tools needed to seek safety, justice, and accountability.

Vote YES on [HB 1673](#) (Bell) and [SB 1156](#) (Bosyko)

§ 18.2-51.6 of the Code of Virginia is amended and reenacted as follows:

Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully *(i)* applying pressure to the neck of such person resulting in the wounding or bodily injury of such person *or (ii) blocking or obstructing the airway of such person* is guilty of strangulation, a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.