**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 195**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

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Introduced in the Senate on January 8, 2019

Currently residing in the Senate Committee on **Judiciary**

Summary: Strangulation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2018 Senate Prefiled

12/12/2018 Senate Referred to Committee on **Judiciary**

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 130](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 130](file:///h:\sj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=195&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\195_20181212.docx)

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100, TO PROVIDE FOR THE OFFENSE OF STRANGULATION; TO PROVIDE THAT A PERSON WHO COMMITS THE OFFENSE OF STRANGULATION IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE IMPRISONED FOR NOT MORE THAN TEN YEARS; AND TO PROVIDE THAT IT IS AN AFFIRMATIVE DEFENSE IF AN ACT CONSTITUTING STRANGULATION WAS THE RESULT OF A LEGITIMATE MEDICAL PROCEDURE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-100. (A) A person commits the offense of strangulation if he, without consent, impedes or creates a substantial risk of impeding the normal breathing or circulation of blood of another person by applying weight or pressure to the throat, neck, torso, abdomen, or shoulders of the other person, or by blocking the nose or mouth so as to restrict the breathing of the other person. Evidence of intent to kill or evidence of visible injury to the victim is not required to sustain a conviction under this section.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.

(C) This section does not apply if the act constituting strangulation was the result of a legitimate medical procedure or was an otherwise lawful action by members of law enforcement during the course of their duties.

(D) Strangulation is a lesser-included offense of attempted murder, as defined in Section 16-3-29; assault and battery of a high and aggravated nature, as defined in Section 16-3-600(B)(1); and assault and battery in the first degree, as defined in Section 16-3-600(C)(1).”

SECTION 2. This act takes effect upon approval by the Governor.

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