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Youth And Government

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Committee Assignment: Senate Freedom 4

Bill #:SF-27

1 **Sponsors:** Meghan Cenci and Hannah Crown

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3 **An Act To** Amend §§121.11 Criminal obstruction of breathing or blood circulation.

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5 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

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7 **Purpose** To add a subsection to Criminal Obstruction of Breathing or Blood
8 Circulation, specified for domestic violence cases, and listed as a Class C Felony.

9 **Summary of Provisions**

10 **Section 1**

11 **Criminal Obstruction of Breathing or Blood Circulation:** asphyxiation (choking)

12 **Section 2**

13 §§121.11 Criminal obstruction of breathing or blood circulation.

14 *Domestic violence specified

15 A person is guilty of criminal obstruction of breathing or blood
16 circulation when, with intent to impede the normal breathing or
17 circulation of the blood of another person, he or she:

18 a. applies pressure on the throat or neck of such person; or

19 b. blocks the nose or mouth of such person.

20 Criminal obstruction of breathing or blood circulation

21 is a class A misdemeanor.

22 In domestic violence cases criminal obstruction of breathing of blood circulation is a
23 class C felony.

24 **Justification**

25 Domestic violence cases are an unfortunate reality that plague people's everyday
26 lives. Each year more than 10 million domestic violence cases occur in the U.S.
27 alone. Asphyxiation accounts for 6.1% of all cases in New York State, yet is
28 considered only a misdemeanor. Due to these minor consequences, asphyxiation is
29 often overlooked due to lack of action in the courts and offer minimal punishments.
30 The objectives of this bill are to reduce the numbers of free abusers in efforts to
31 protect the frighteningly numerous amount of victims.

32 **Fiscal Implications**

33 This bill potentially may cost the State an increase to its prison funding should
34 additional abusers be effectively prosecuted.

35 **Environmental Implications**

36 Environmental implications will include an increased awareness and protection for
37 domestic violence victims. The bill will also work to prevent potential acts of
38 violence in domestic relationships by strengthening the victims case.

39 **Effective Date**

40 This bill will be passed into effect one calendar year after passing.