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The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator Lee and Delegates Pippy and Atterbeary:

I write in support of HB233/SB212, Criminal Law: Assault in the First Degree, Strangulation or Suffocation. Strangulation is one of the most lethal forms of physical violence. Specifically, the literature has demonstrated that surviving victims of a strangulation assault are 750% more likely to become a homicide victim than the average person. Strangulation is a predictor of lethality and our laws should reflect that reality.

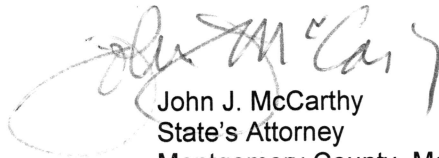
Our current first degree assault statute defines serious physical injury as injury that "creates a substantial risk of death" or "causes serious and permanent or serious and protracted disfigurement or loss or impairment of the function of any bodily member or organ." With strangulation, injuries are often not visible. Studies have concluded that even in fatal cases, injuries are visible only fifty percent of the time. And, of those fifty percent, only fifteen percent of the injuries were visible in photographs.

Because so few strangulation events result in visible injuries, our ability to hold violent offenders accountable under the felony statute is limited. And, while strangulation often leaves no visible injuries, the risk of death and serious injury make strangulation equally if not more dangerous than a stab wound or a serious physical beating. A strangler can render his/her victim unconscious in under ten seconds and can kill the victim within a few minutes. The amount of pressure applied to kill is less than the amount of pressure it takes to open a can of soda.

Over the last several months, my office has reviewed our domestic violence second degree assault cases for evidence or descriptions of strangulation. We have found that strangulation is a regular tool of power and control in domestic violence assaults. We have also found, in line with national findings, that a significant number of strangulations leave no visible findings.

Maryland must join the forty-seven other states that make strangulation a felony. Our failure in the past to do so has hampered our ability to hold offenders fully accountable for their violent crimes. I strongly urge the passage of HB233/SB212.

Sincerely,



John J. McCarthy
State's Attorney
Montgomery County, Maryland