



Maryland  
Hospital Association

## House Bill 233 – Criminal Law- Assault in the First Degree- Suffocation or Strangulation

**Position: Support**

January 28, 2020

House Judiciary Committee

### MHA Position

Maryland’s 61 nonprofit hospitals and health systems care for millions of people each year, treating 2.3 million in emergency departments and delivering more than 67,000 babies. The 108,000 people they employ are caring for Maryland around-the-clock every day—delivering leading edge, high-quality medical service and investing a combined \$1.75 billion in their communities, expanding access to housing, education, transportation, and food.

Maryland statute classifies suffocation and strangulation as second-degree assaults. One of the distinctions between a first-and second-degree assault is the intention to cause “*serious* physical injury” to another—rather than “physical injury.” HB 233 would reclassify these offenses as first-degree assault. Studies show non-fatal strangulation can be a risk factor for homicide in women,<sup>i</sup> which is one of the leading causes of death for Americans between 15 and 34 years old.<sup>ii</sup> Hospitals often treat victims of domestic abuse, child abuse, elder abuse, sexual assault and human trafficking. Identification of strangulation has become an increased focus due to the injuries and need to collection evidence. Several Maryland hospitals that operate forensic medical units have offered training in their communities on how to prevent and respond to victims of nonfatal strangulation. New technology allows forensic nurse examiners to more accurately document evidence of strangulation. For example, an “alternative light source,” can detect fingerprints left on a victim’s neck. Although hospitals and forensic nurses are not reimbursed for these services, it is our mission to serve any and all victims.

Forty seven other states and the District of Columbia consider strangulation a first-degree assault,<sup>iii</sup> elevating the act as a serious crime and public health concern.

For these reasons, we urge a *favorable* report.

For more information, please contact:

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<sup>i</sup> Journal of Emergency Medicine. (October 25, 2007). “Non-fatal Strangulation is an Important Risk Factor for Homicide of Women,” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/>

<sup>ii</sup> Centers for Disease Control and Prevention: National Center for Injury Prevention and Control. “10 Leading Causes of Death by Age Group, Unites States- 2017”. <https://www.cdc.gov/injury/images/lc-charts/leading-causes-of-death-by-age-group-2017-1100w850h.jpg>

<sup>iii</sup> Training Institute on Strangulation Prevention. (November, 2019). “States with Strangulation Legislation”. <https://www.familyjusticecenter.org/wp-content/uploads/2017/11/Strangulation-Laws-Chart-11.2019.pdf>