

LFC Requester:	Daly, Marty
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original <input type="checkbox"/>	Amendment <input type="checkbox"/>	Date <u>02/27/2015</u>
Correction <input type="checkbox"/>	Substitute <input checked="" type="checkbox"/>	Bill No: <u>SB 513</u>

Sponsor: <u>Daniel A. Ivey-Soto & Zachary J. Cook</u>	Agency Code: <u>Attorney General's Office</u>
<u>Adding Suffocation and</u>	Person Writing <u>Sharon L. Pino, DAG</u>
<u>Strangulation to the Family</u>	
Short Title: <u>Violence Protection Act.</u>	Email <u>spino@nmag.gov</u>
	Phone: <u>827-6930</u> : <u></u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

CS for SB 513 proposes to amend Section 30-3-11 NMSA 1978, Section 30-3-16 NMSA of the Crimes Against Household Members Act by adding a definition for “strangulation” and “suffocation” and making Aggravated Battery Against a Household Member a 4th degree felony if committed by strangulation or suffocation.

CS for SB 513 also proposed to amend the definition section of Section 32A-2-3 of the Delinquency Act by making a technical correction of changing “are” to “is” in 32A-2-3(J)(2). CS for SB 513 also proposes to amend Section 32A-4-2 of the Abuse and Neglect Act by adding to the definition of “physical abuse” any cases in which the child suffers strangulation or suffocation, and references the same definitions of “strangulation” and “suffocation” as proposed in 30-03-11.

CS for SB 513 also proposes to amend Section 40-13-2 of the Family Violence Protection Act to include “strangulation” and “suffocation” within the definition of “domestic abuse” and further references the same definitions of “strangulation” and “suffocation” as proposed in 30-03-11.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Strangulation and suffocation are common and often lethal forms of violence used by domestic violent offenders. According to the Wisconsin Medical Journal, strangulation accounts for 10% of all violent deaths in the United States Currently Section 30-3-16 only classifies an Aggravated Battery Against a Household Member as a 3rd degree felony if it was committed: “by inflicting great bodily harm; with a deadly weapon; or in another manner whereby great bodily harm or death can be inflicted.” Therefore in prosecutions, complex medical evidence must be admitted

to prove that strangulation and suffocation can cause “great bodily harm or death” to be inflicted, or that the injuries sustained from strangulation or suffocation, which in these cases is often internal injuries documented with sometimes invasive medical equipment, actually inflicted “great bodily harm.” Given the medically proven harm that can and typically is inflicted by strangulation or suffocation, this level of proof for each and every case, wherein strangulation or suffocation was perpetrated, seems unnecessary. The harm inflicted by the act of strangulation or suffocation should be recognized with a commensurate penalty for perpetrating this level of violence. According to National Expert on this topic, Gael Strack, CEO of the National Family Justice Center in San Diego, California, as little as 10 seconds of pressure on the carotid arteries in the neck is enough to deprive the brain of oxygen and cause someone to lose consciousness. If the pressure continues, brain death can occur in as quickly as five minutes.

A 2008 study in the Journal of Emergency Medicine suggested that the risks of an attempted homicide increase about sevenfold for women who have been strangled by their partner. The study also found that 43 percent of women murdered in domestic assaults, and 45 percent of victims of attempted murder, had been strangled by a partner in the previous year.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS