

2012 SESSION

SENATE SUBSTITUTE
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12104665D

SENATE BILL NO. 459

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 30, 2012)

(Patron Prior to Substitute—Senator Herring)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-51.6, relating to strangulation of another; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-51.6 as follows:

§ 18.2-51.6. Strangulation of another; penalty.

Any person who impedes the blood circulation or respiration of another person by willfully, knowingly, intentionally and without consent applying pressure to the person's neck, resulting in wounding or bodily injury is guilty of strangulation, a Class 6 felony. It shall be an affirmative defense that the defendant performed such conduct for a valid medical or dental purpose.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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