



NEW YORK STATE SENATOR

Eric T. Schneiderman

## Domestic Violence Victims, Law Enforcement Officials and Advocates Join Senator Schneiderman To Support Strangulation Prevention Act

ERIC T. SCHNEIDERMAN March 16, 2010

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### **Domestic Violence Victims, Law Enforcement Officials and Advocates Join Senator Schneiderman To Support Strangulation Prevention Act**

ALBANY -- Domestic violence victims, law enforcement officials, legislators and advocates joined Senator Eric T. Schneiderman at a press conference today to announce support for the Strangulation Prevention Act of 2010. The bipartisan bill (S.6987), sponsored by Senator Schneiderman and Assemblyman Joe Lentol, makes intentional strangulation and suffocation into unconsciousness a violent felony. The bill cleared the Senate Codes Committee today.

Intentional strangulation is one of the most lethal forms of domestic violence, but it's not a crime in New York State. This legislation changes that.

"Strangulations cause one out of every ten deaths in this country. New York must catch up

with so many other states that make intentional strangulation into unconsciousness a violent felony. The time to criminalize this horrific form of abuse is now,” said Senator Eric Schneiderman, the lead sponsor of the bill. “I am proud of the overwhelming bipartisan support for this legislation. It sends a strong message that we must do everything in our power to ensure that no one is immune from accountability for committing such a heinous crime.”

The Schneiderman bill makes intentional strangulation into unconsciousness a violent felony, whether physical injury is evident or not. Abusers who terrorize their victims through choking or suffocation without causing unconsciousness or physical injury would face a lower-level felony charge.

Intentional strangulation is often more dangerous than punching, shoving and other kinds of abuse. If an attacker applies 11 pounds of pressure for just 10 seconds, a victim can be rendered unconscious. With greater pressure, death can occur within minutes. And even after the attacker relents, a victim can collapse and die hours or even days later because of underlying damage to the neck, or to the brain due to oxygen deprivation.

“My ex-husband strangled me into unconsciousness. The police were called by my neighbor who had heard me screaming. When I woke up, I was in the hospital. My abuser was only charged with a misdemeanor, the charges against him were eventually dismissed and the abuse continued. It is so important for women like me from New York State to have a strong law against strangulation so that there are serious consequences for people who commit this dangerous crime,” said Orchid Ghebryal, a domestic violence victim who attended today’s press conference.

About half the states in the country have laws specifically addressing intentional strangulation. But in states that have not enacted such laws, including New York, batterers have an incentive to choose choking and suffocation over other forms of attack. They often escape criminal charges and, perhaps emboldened by their impunity, choke their victims again.

"Under the current law, a batterer can choke a victim, even leaving marks on the neck, and the only charge that we can file is a harassment that is not even a misdemeanor. This bill would allow us to hold batterers more accountable and hopefully prevent an escalation of violence. It is a welcomed and much needed change," said Kathleen Hogan, Warren County District Attorney and President of the District Attorneys Association of the State of New York.

"As the surviving child of the nightmare of Domestic Violence I have spent two decades trying to make sure that no woman suffered the way my Mother did and no child has to endure the frustration and helplessness I had while watching my Mother regularly beaten, choked and verbally abused by my Father, a vicious and controlling batterer. I am grateful that State Senator Schneiderman's leadership in closing this loophole will bring another measure of solace and protection for victims of Domestic Violence and for their children who are forced to witness this evil," said Charles J. Hynes, Kings County District Attorney.

"For victims of domestic violence, strangulation has been a long-standing weapon used against them by their perpetrators. Strangulation has traditionally not been taken seriously; although according to the US Department of Justice's Institute of Justice up to 68% of victims of domestic violence have reported being strangled at least once by their partner. NYSCADV is happy to support the Strangulation Prevention Act of 2010 and applauds

Senator Schneiderman and Assemblyman Lentol for their continued long-standing support of victims of domestic violence," Michele McKeon, CEO New York State Coalition Against Domestic Violence.

"We applaud Senator Schneiderman and Assemblyman Lentol for addressing one of the most common, and most serious forms of domestic violence. Barely considered a crime in New York, strangulation -- putting hands around someone's throat in an attempt to cut off breathing -- is not only terrifying and physically harmful. It is also a shockingly high predictor of future lethality," said Laurel W. Eisner, Executive Director, Sanctuary For Families, Inc.

"Many victims report to NOW-NYS that they could not get justice in the courts because they exhibited no visible signs of abuse. So we will be urging our supporters across New York State to join us in advocating for this much-needed legislation. We are proud to stand with Senator Schneiderman, and to urge passage of the much-needed Strangulation Prevention Act of 2010," said Marcia A. Pappas, President of NOW-NYS.

"Fewer forms of abuse are more terrifying or dangerous than being strangled," said Sonia Ossorio, Executive Director of the National Organization for Women's New York City chapter. "This bill will end the free pass that abusers have been getting for this vicious, terrorizing act of brutality. We want to thank Senator Schneiderman for his outstanding leadership on this issue, and for the relentless efforts that he and his excellent staff have devoted to addressing this intolerable loophole in our law."

In addition to the Strangulation Prevention Act of 2010, Senator Schneiderman also introduced two other anti-domestic violence bills:

- **Witness Tampering.** This bill closes gaps in the current law to better protect victims and witnesses in domestic violence cases. It authorizes new penalties for conduct aimed at wrongfully interfering with an order of protection; expands the scope of witness tampering crimes; and creates a new class A misdemeanor for a person who wrongfully induces or attempts to induce someone from withholding information about a criminal violation to a law enforcement officer or court.
- **Public Safety:** This bill requires a court issuing a temporary order of protection in a criminal case to order the immediate surrender of all firearms owned or possessed by the person against whom the order of protection is issued – and the suspension of any existing firearm license where the court finds a “substantial risk” that the individual may use or threaten to use a firearm unlawfully against the person for whose protection the order was issued.

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