**A** **BILL**

TO AMEND ARTICLE 11, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES AGAINST THE PERSON, TO PROVIDE THAT STRANGULATION IS THE RESTRICTING OF AIR FLOW OR BLOOD CIRCULATION OF A PERSON BY EXTERNAL PRESSURE TO THE THROAT OR NECK, OR THE BLOCKING OF THE NOSE OR MOUTH OF ANOTHER PERSON; TO PROVIDE THAT A PERSON WHO COMMITS THE OFFENSE OF STRANGULATION IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE IMPRISONED FOR NOT MORE THAN FIVE YEARS; AND TO PROVIDE THAT IT IS AN AFFIRMATIVE DEFENSE IF AN ACT CONSTITUTING STRANGULATION WAS THE RESULT OF A LEGITIMATE MEDICAL PROCEDURE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-1095. (A) ‘Strangulation’ is the restricting of air flow or blood circulation of a person by external pressure to the throat or neck, or the blocking of the nose or mouth of a person.

(B) A person commits the offense of strangulation if he, without consent, impedes or creates a substantial risk of impeding the normal breathing or circulation of blood by applying pressure to the throat or neck of another person, or by blocking the nose or mouth of another person.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(D) It is an affirmative defense under this section if an act constituting strangulation was the result of a legitimate medical procedure.”

SECTION 2. This act takes effect upon approval by the Governor.

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