**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100, TO PROVIDE FOR THE OFFENSE OF STRANGULATION; 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 TEN 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 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-100. (A) 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 of another person by applying weight or pressure to the throat, neck, torso, abdomen, or shoulders of the other person, or by blocking the nose or mouth so as to restrict the breathing of the other person. Evidence of intent to kill or evidence of visible injury to the victim is not required to sustain a conviction under this section.

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

(C) This section does not apply if the act constituting strangulation was the result of a legitimate medical procedure or was an otherwise lawful action by members of law enforcement during the course of their duties.

(D) Strangulation is a lesser-included offense of attempted murder, as defined in Section 16-3-29; assault and battery of a high and aggravated nature, as defined in Section 16-3-600(B)(1); and assault and battery in the first degree, as defined in Section 16-3-600(C)(1).”

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

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