

# SENATE BILL REPORT

## SB 6697

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As of February 3, 2010

**Title:** An act relating to suffocation.

**Brief Description:** Concerning suffocation.

**Sponsors:** Senators Haugen, Kline and Kohl-Welles.

**Brief History:**

**Committee Activity:** Judiciary: 2/03/10.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Juliana Roe (786-7438)

**Background:** Under current law, a person is guilty of assault in the second degree if that person: intentionally assaults another and recklessly inflicts substantial bodily harm; intentionally and unlawfully causes substantial bodily harm to an unborn child by intentionally and unlawfully inflicting any injury upon the mother of such child; assaults another with a deadly weapon; administers to or causes another to take poison or other noxious substance with the intent to inflict bodily harm; assaults another with the intent to commit a felony; knowingly inflicts bodily harm which causes pain or agony equivalent of that produced by torture; or assaults another by strangulation.

Assault in the second degree is a Class B felony. It is considered a most serious offense. Most serious offenses are considered three strike offenses. A person who commits three or more most serious offenses is considered a persistent offender and is subject to a sentence of life imprisonment without the possibility of parole.

Under current law, if a person smothers another person with a pillow, without injuring that person, the smotherer would likely be charged with assault in the fourth degree, which is a gross misdemeanor. It would not be considered assault in the second degree.

**Summary of Bill:** Assault by suffocation is listed as one way by which a person commits assault in the second degree. Suffocation means to deprive a person of breath by blocking or impairing intake at the nose or mouth.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Assault by suffocation and assault by strangulation are excluded from the list of most serious offenses.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** CON: The portion of the bill that excludes assault by suffocation and assault by strangulation from the list of most serious offenses is the only portion of the bill that cannot be supported.

Suffocation, as a means of committing assault in the second degree, should have been included in the strangulation legislation that passed in 2007. Suffocation injures victims just as strangulation does. It is a means of terrorizing a victim. Having to charge this crime, under current law, as a misdemeanor is inadequate. This is a serious offense regardless of whether physical injury or a residual effect results. While the number of cases this would effect is small, they are still important. This needs to be taken seriously.

**Persons Testifying:** CON: Greg Banks, Island County Prosecuting Attorney.