
HOUSE BILL 2395

State of Washington

68th Legislature

2024 Regular Session

By Representatives Griffey, Davis, Lekanoff, Couture, and Jacobsen

Read first time 01/16/24. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to improving public safety by deterring assaults
2 involving strangulation or suffocation; amending RCW 9A.36.021; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that research
6 has reliably demonstrated that strangulation and suffocation are
7 strong predictive factors for future violence and homicide in
8 intimate partner situations, and that sexual assault is frequently a
9 part of these intimate relationships. The link between assaultive
10 actions and lethality makes this an issue of vital importance to
11 Washington's criminal legal system.

12 (2) The legislature further finds that an individual cannot
13 consent to an assault if the activity consented to is against public
14 policy or is a breach of the peace. Due to the undeniable predictive
15 link between strangulation and suffocation and the future propensity
16 for escalating violence, it is against Washington's public policy to
17 permit strangulation and suffocation, even if such actions are
18 consensual between the involved parties.

19 (3) Therefore, the legislature intends to specify that a person's
20 consent to strangulation or suffocation is not a defense to a
21 prosecution for assault.

1 **Sec. 2.** RCW 9A.36.021 and 2011 c 166 s 1 are each amended to
2 read as follows:

3 (1) A person is guilty of assault in the second degree if he or
4 she, under circumstances not amounting to assault in the first
5 degree:

6 (a) Intentionally assaults another and thereby recklessly
7 inflicts substantial bodily harm; or

8 (b) Intentionally and unlawfully causes substantial bodily harm
9 to an unborn quick child by intentionally and unlawfully inflicting
10 any injury upon the mother of such child; or

11 (c) Assaults another with a deadly weapon; or

12 (d) With intent to inflict bodily harm, administers to or causes
13 to be taken by another, poison or any other destructive or noxious
14 substance; or

15 (e) With intent to commit a felony, assaults another; or

16 (f) Knowingly inflicts bodily harm which by design causes such
17 pain or agony as to be the equivalent of that produced by torture; or

18 (g) Assaults another by strangulation or suffocation.

19 (2)(a) Except as provided in (b) of this subsection, assault in
20 the second degree is a class B felony.

21 (b) Assault in the second degree with a finding of sexual
22 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

23 (3) It is not a defense to a violation of subsection (1)(g) of
24 this section that the victim consented to being strangled or
25 suffocated.

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