H-2618.1

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**HOUSE BILL 2395**

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**State of Washington 68th Legislature 2024 Regular Session**

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

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

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

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

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

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

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

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

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

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

(c) Assaults another with a deadly weapon; or

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

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

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

(g) Assaults another by strangulation or suffocation.

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

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

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

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