

Wisconsin Strangulation & Suffocation Law

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Strangulation accounts for 10% of all violent deaths annually in the U.S. To completely close the trachea, thirty-three pounds of pressure must be exerted per square inch. However, only 11 pounds of pressure placed on both carotid arteries for 10 seconds causes loss of consciousness. There are four different types of strangulation: manual, chokehold, ligature and hanging. Manual, chokehold and ligature are used by perpetrators of domestic violence against their victims. Unlike the others, hanging is self-inflicted. Strangulation can result in a variety of symptoms, although many survivors have no or minimal visible external symptoms. Some injuries, such as memory loss, will only be able to be identified upon further examination. Many strangulation victims do not remember being strangled, or will not offer that information, unless they are specifically asked.

TYPES OF STRANGULATION USED IN DOMESTIC VIOLENCE

Manual (also called throttling): The use of bare hands.

Chokehold (also called sleeper hold): Elbow bend compression.

Ligature (also known as garroting): Use of a cordlike object, such as a rope, belt, chain, clothing (panty hose, bra, tie), etc.

Hanging: Self-inflicted.

SYMPTOMS OF STRANGULATION

Symptoms can include: neck pain; neck swelling; difficulty breathing; difficulty swallowing; pain with swallowing; nausea and vomiting; lightheaded; loss of memory; loss of control of urine; loss of control of bowels; fainting or loss of consciousness; voice changes (raspy, hoarse, unable to speak); red eyes; sore throat; headache; coughing; red spots/petechia; miscarriage; and weakness or numbness of the arms or legs.

In 2008, the legislature enacted Wisconsin Act 127 creating Wisconsin Statute 940.235, entitled Strangulation and Suffocation. The Strangulation and Suffocation Law defines and provides penalties for a person who engages in intentional strangulation and suffocation. The law closes a loophole that allowed batterers to avoid serious penalty for committing dangerous acts of strangulation and suffocation, a crime which many consider attempted homicide. This new law makes strangulation a felony.

KEY ELEMENTS OF STRANGULATION AND SUFFOCATION STATUTE

940.235 STRANGULATION AND SUFFOCATION

(1) ELEMENTS OF A CLASS H FELONY; COURSE OF CONDUCT

Whoever intentionally impedes the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

(2) ELEMENTS OF A CLASS G FELONY; COURSE OF CONDUCT

Whoever violates sub. (1) is guilty of a Class G felony if the actor has a previous conviction under this section or a previous conviction for a violent crime, as defined in s. 939.632(1)(e)1.

939.22 WORDS AND PHRASES DEFINED

(10) “Dangerous weapon” means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation or blood; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(23) “Petechia” means a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.

(38) “Substantial bodily harm” means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; and fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.