



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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H.B. 362

131st General Assembly
(H. Judiciary)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1004-4)
Offense of strangulation	<p>Prohibits a person, without privilege to do so, from knowingly impeding the normal breathing or circulation of blood of another by applying pressure to the throat or neck of the other person.¹</p> <p>Provides that a person who violates this prohibition is guilty of strangulation, generally a third degree felony.²</p> <p>Provides that strangulation is a second degree felony if the offender previously has been convicted of or pleaded guilty to a violation of this prohibition or the offender previously has been convicted of or pleaded guilty to two or more offenses of violence.³</p>	No provision.

¹ R.C. 2903.17(A).

² R.C. 2903.17(E)(1) and 2929.14(A)(3)(a).

³ R.C. 2903.17(E)(2).

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1004-4)
Enactment of offense of strangulation does not limit or preclude prosecution	Provides that the enactment of the offense of strangulation does not limit or preclude prosecution for a violation of any other Revised Code section and provides that any one or more acts, series of acts, or course of conduct that can be prosecuted under R.C. 2903.17 or any other Revised Code section may be prosecuted under R.C. 2903.17, the other section, or both sections. ⁴	No provision.
Expansion of offense of "domestic violence" to include impeding the normal breathing or circulation of the blood of family or household member	No provision.	<p>Adds a new prohibition under the offense of "domestic violence" that prohibits a person from knowingly impeding the normal breathing or circulation of the blood of a "family or household member" (defined in existing law) by applying pressure to the throat or neck, or by blocking the nose or mouth, of the family or household member.⁵</p> <p>Specifies that domestic violence committed in violation of the new prohibition is punishable as follows:⁶</p> <p>(1) Generally, it is a third degree felony and the court must impose: (a) generally, a mandatory prison term of 6, 9, 12, 18, 24, 30, or 36 months, or (b) if the offender, in committing the violation, caused serious physical harm to "the pregnant woman's" unborn or the termination of "the pregnant woman's"</p>

⁴ R.C. 2903.17(D).

⁵ R.C. 2919.25(D).

⁶ R.C. 2919.25(E)(6), (7), and (8)(d) to (f), 2929.13(F)(17), and 2929.14(A)(2) and (3)(b).

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1004-4)
		<p>pregnancy, a mandatory prison term of 9, 12, 18, 24, 30, or 36 months (note that the bill's domestic violence provisions regarding strangulation do not include any other reference to the victim of the offense being a pregnant woman);</p> <p>(2) If the offender previously was convicted of either domestic violence or two or more offenses of violence, it is a second degree felony and the court must impose a mandatory prison term of 2, 3, 4, 5, 6, 7, or 8 years;</p> <p>(3) A mandatory prison term imposed under paragraph (1) or (2) cannot be reduced pursuant to judicial release, earned credits, the 80% release mechanism, or any other early release provision under R.C. Chapter 2967. or 5120.</p>
<p>No requirement of harm or visible injury</p>	<p>Provides that it is not required in a prosecution of the offense of strangulation to allege or prove that the victim suffered physical harm or serious physical harm or visible injury.⁷</p>	<p>Provides that it is not required in a prosecution of the offense of domestic violence when the person impedes the normal breathing or circulation of the blood of a family or household member to allege or prove that the family or household member who is the victim suffered physical harm or serious physical harm or visible injury.⁸</p>

⁷ R.C. 2903.17(B).

⁸ R.C. 2919.25(G).

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1004-4)
Affirmative defense	Provides that it is an affirmative defense to a charge of the offense of strangulation that the act was done as part of a medical or other procedure undertaken to aid or benefit the victim. ⁹	Provides that it is an affirmative defense to a charge of domestic violence when the person impedes the normal breathing or circulation of the blood of a family or household member to allege or prove that the act was done to the family or household member as a part of a medical or other procedure undertaken to aid or benefit the victim. ¹⁰

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⁹ R.C. 2903.17(C).

¹⁰ R.C. 2919.25(H).

