

## **CS/HB 1375 – Battery by Strangulation (Identical CS/SB 1334)**

This bill creates s. 784.031, F.S., adding an **Level 4, 3<sup>rd</sup> degree felony** for the following act: “A person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. This subsection does not apply to any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.”

In FY 18-19, the incarceration rate for a Level 4, 3<sup>rd</sup> degree felony was 21.9%, and in FY 19-20 the incarceration rate was 19.0%. In FY 20-21, the incarceration rate for a Level 4, 3<sup>rd</sup> degree felony was 18.4%, and in FY 21-22 the incarceration rate was 19.0%.

Per FDLE, in FY 21-22, there were 57,525 arrests for misdemeanor battery, with 10,620 guilty/convicted charges and 4,647 adjudication withheld charges. Per DOC, there were 2,034 new commitments to prison in FY 18-19 for felony battery and aggravated battery offenses, with 193 for domestic battery by strangulation. There were 1,481 new commitments in FY 19-20, with 144 for domestic battery by strangulation. There were 1,316 new commitments in FY 20-21, with 130 for domestic battery by strangulation. There were 1,875 new commitments in FY 21-22, with 175 for domestic battery by strangulation. It is not known how many misdemeanor and felony convictions involved strangulation, though domestic battery by strangulation currently brings in a large number of offenders to prison each year. Without more detailed data, the impact of this new language on the prison population cannot be quantified.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**