

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2185

2007 SENATE JUDICIARY

SB 2185

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2185

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 15, 2007

Recorder Job Number: 1130

Committee Clerk Signature *Maria A. Solberg*

**Minutes:** Relating to prohibition of strangulation to strangulation of another person.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

#### Testimony In Support of Bill:

**Sen. Ralph Kilzer**, Dist. # 47 (meter 1:05) Introduced the bill as approached by ND Council on Abused Women's center. Referred to the chapter the legislation is taken out of.

**Rep. Dave Weiler**, Dist. #30 (meter 3:29) Spoke in support of the bill. I do not understand why this is not in legislation currently.

**Sen. Randy Christmann**, Dist. #33 (meter 4:27) Stood up in support of the bill

**Randi Roerick**, ND Council on Abused Women's Services (meter 5:44) Gave Testimony Att.

#1

**Sen. Nelson** asked for clarification between choking and strangulation (meter 4:27) Choking is when food is lodged and strangulation is the intentional cutting off of another's air passage- wither you survive or not.

**Rep. Lee Kaldor**, Dist. #20 (meter 13:42) Spoke in support of the bill. This is a brutal act.

Once this action is occurring there is a very strong intent. I was unaware that is treated the way it is and amazed on the effects this act can have.

**Glen Hase**, ND Council on Abused women's services. (meter 15:07) Advocate for 10 years in Fargo, ND helping victims of strangulation. Strangulation is intentional. Gave a client testimony.

**Christal Sammons**, Survivor of Domestic Violence (meter 23:50) Gave personal testimony – Att. #2

**Chantelle Charging**, Survivor of Domestic Violence (meter 23:50) Gave personal testimony – Att. #3

**Dan Draovitch**, Minot Police Chief (Retire) (meter 31:20) Gave testimony – Att. #4

**Sen. Fiebiger** asked if this language was the same as MN law (meter 36:04) Yes.

**Shelly Carlson**, ND Council on Abused Women's Service (meter 36:47) Gave testimony – Att.

#5. Also submitted testimony: **Jim Vigness**, Detective Grand Forks Police Dept. Att. #6, Sworn testimony of **Nicole Foster**, Williams Co State Attorney – Att. #7 and **Vikki Lorenz**, William Co. Victim Witness Ass. Program – Att. #8

**Jon Byers**, Attorney Generals Office (meter 45:05) Reviewed the previous two testimonials and why the outcomes were the way they were. Why this language is so important.

**Testimony in Opposition of the Bill:**

**Ladd Erickson** – McLean Co. States Attorney (meter 46:59) Discussed assessment of the law. Discussed several issues, from victim backing out to the testimony of the original prosecution and tend to not if they approach it with a different penalty. Sited other states use "specific crime prosecution" vs. ND's "general" crime approach. This bill will weaken our approach by; If we have the facts to charge attempted murder we want to charge attempted murder. We are creating a weaker system by making this a specific crime. It is weaker then attempted murder by being specific. Three current felonies: terrorism, reckless endangerment and aggravated assault. We do not think this is a law issue, we think it is a "fact finding" issue.

Proposed and reviewed a set of amendments (meter 51:57) Att. #9.

**Cynthia Filend** – Asst. Burleigh County States Attorney (meter 55:30) Been in Attorney Generals office since 1981 and sited her concerns on the problems this bill will create when you start using “specific” laws in a General Law system. She referred to the personal witness and stated that this is a “training issue” to the police departments and not a current law issue.

**Sen Nething** appointed **Sen. Nelson** to work with the Rand and the state attorney’s to come up with something they could hopefully agree on and meet back by next Monday.

The retired Minot Police chief spoke one last time on how the current system is not working (meter 103:19)

**Testimony Neutral to the Bill:**

None

**Senator David Nething**, Chairman closed the hearing.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2185**

Senate **Judiciary Committee**

Check here for Conference Committee

Hearing Date: January 24, 2007

Recorder Job Number: 1840'

Committee Clerk Signature

*Mona L. Salley*

**Minutes:** Relating to strangulation of another person.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Sen. Nelson** gave an overview her "sub-committee in the creation of her "Hog House"

amendment – Att. #1 discussing what the current law of the definition of strangulation. Sen.

Nelson stated that in the meeting they spoke of the problem being with the police officer and there training. The definition of strangulation should be in the aggravated assault section.

(meter 2:14) Discussed if we do it the other way (in the general definitions) we would have to make 64 changes.

**Sen. Nelson** made the motion to Do Pass her amendment Att. #1 and **Sen. Fiebiger**

seconded the motion. All members were in favor and the motion passes.

**Sen. Nelson** made the motion to Do Pass SB 2185 as amended and **Sen. Fiebiger** seconded

the motion. All members were in favor and the motion passes.

Carrier: **Sen. Nelson**

**Senator David Nething**, Chairman closed the hearing.

*JB*  
1-24-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2185

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 29 of section 12.1-01-04 of the North Dakota Century Code, relating to the definition of serious bodily injury.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 29 of section 12.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

29. "Serious bodily injury" means bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, ~~or a bone fracture~~, or impediment of air flow or blood flow to the brain or lungs."

Renumber accordingly

Date: 1-24-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2185

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass "Hog House" Amend. Att #1 1-24-07

Motion Made By Sen. Nelson Seconded By Sen. Fiebiger

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 1-24-07

Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2185

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number 78239.0100

Action Taken Do Pass As Amended

Motion Made By Sen. Nelson Seconded By Sen. Fiebiger

Senators	Yes	No	Senators	Yes	No
Sen. Nething			Sen. Fiebiger		
Sen. Lyson			Sen. Marcellais		
Sen. Olafson			Sen. Nelson		

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Nelson

If the vote is on an amendment, briefly indicate intent:

2007 HOUSE JUDICIARY

SB 2185

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2185

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 2/27/07

Recorder Job Number: 3962

Committee Clerk Signature

*R. P. Morse*

Minutes:

**Chairman DeKrey:** We will open the hearing on SB 2185.

**Sen. Ralph Kilzer:** Sponsor of bill (see attached testimony).

**Rep. Koppelman:** As I read the current statute, wouldn't it be possible to prosecute strangulation under this definition, it says a serious bodily injury means bodily injury that creates a substantial risk of death. Is this something that they're not doing.

**Sen. Ralph Kilzer:** All strangulation does not result in death. Maybe some of you used to play those games in high school where you would actually take your arm and wrap it around someone's neck and they would actually faint or fall into unconsciousness. I don't think the intention there is to cause death, but it would cause a brief lapse of consciousness. In general, what the Adult Abused Resource Center is talking about, their intent is to do really serious bodily harm.

**Rep. Koppelman:** The statute now says creates a substantial risk of death, now it seems to me that leaves a little more room for evaluation of actual circumstances. The childhood game doesn't cause real risk of death and therefore wouldn't be prosecuted here, but someone attempting to kill somebody or seriously injure them, it would. Your amendment to the section here, basically says that impediment of air flow or blood flow to the brain or lungs. In the

childhood game, you shouldn't be charged with an offense like this. Is there a danger there the way it is written.

**Sen. Ralph Kilzer:** The idea was to bring out what strangulation really is. I don't know all the implications. But to put it in Code, that it is impeding either the carotid artery or the trachea, brings that aspect of it more to the forefront.

**Rep. Koppelman:** What prompted the Senate to amend the bill to this language from what you originally had. Was there discussion about that.

**Sen. Ralph Kilzer:** I'm not just sure why they changed it. I was not present at the discussion.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Rep. Lee Kaldor:** Sponsor, I am here to add my voice of support to the bill. As was described, this was the strangulation bill. There are others who will explain what happened in the Senate, and explain the merits of the bill. When I first heard about this issue, it hadn't been something I had thought about much. In a case of domestic violence, where there is a strangulation attempted, I thought that's a pretty serious act. But I discovered from the people who are putting this forward, that law enforcement doesn't necessarily look upon that nor are they often aware of the consequences. Strangulation, apparently, can occur and death may occur much later as a result or consequence of that act. Then you don't have the nexus of the act and the result, and the consequential prosecution that needs to take place.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Randi Roerick, ND Council on Abused Women's Services, Campus Violence Prevention Program Coordinator:** (see attached testimony).

**Vikki Lorenz and Glen Hase (not present) but Randi presented their testimony** (see attached testimony).

**Chairman DeKrey:** Thank you. Further testimony in support.

**Christal Sammons, victim:** (see attached testimony).

**Rep. Delmore:** Thank you for taking the time to testify today.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Keith Witt, Deputy Chief, Bismarck Police Department:** Support this bill. At the Department, we believe this is a good amendment to the definition of serious bodily injury. Our officers do commonly go to calls, certainly there are domestics but other assault cases as well, where there has been evidence or the victim says that they were choked, and of course we know that they were strangled. Quite often they don't have any significant bruising, there has been no unconsciousness. So it does give officers, based on current law, the ability to make an arrest for simple assault, sometimes there isn't sufficient evidence to show the threshold that there was an intent to commit a homicide, so generally they can only charge a simple assault. We think it is more appropriate in cases where somebody has been strangled, that they should in fact be charged with aggravated assault and modifying the definition of serious bodily injury to include that, would allow us to do that. This is a good measure.

**Rep. Klemin:** This is a question that some of us had about a simple assault. It seems that simple assault says bodily injury and aggravated assault says serious bodily injury. Is that correct.

**Keith Witt:** Yes, that is correct. The B misdemeanor assault is just bodily injury which doesn't reach the threshold of serious. It would put it into the category of a felony.

**Rep. Koppelman:** Mr. Williams, under the engrossed bill that we're looking at, it talks about the definition being changed to include "impediment of air flow or blood flow to the brain or lungs". I know you were here when Sen. Kilzer testified and he talked about the games kids play and I'm not advocating those games, but a strict reading would say that they're guilty of

this offense as well. How would you see, as a member of law enforcement, dealing with this if we passed it, would it just be prosecutorial discretion and not prosecuting cases that were, not as serious as what we've been hearing about.

**Keith Witt, Bismarck PD:** I think you're exactly right, I think it would be discretionary on two parts, first on the initial responding officers to recognize the circumstances, and obviously recognize the difference between what would truly be horseplay or kids' play, as opposed to a true situation where somebody had the intent to create serious injury. Not to say that kids would always be horseplay. There are serious fights on the playgrounds, after school or wherever it might be. I think it would be discretionary on both parts; law enforcement and prosecution.

**Rep. Meyer:** What is the penalty for serious bodily injury.

**Keith Witt:** Generally, it would be a C felony which would be a five year incarceration maximum and a monetary fine I don't know, it might be \$10,000.

**Chairman DeKrey:** Thank you. Further testimony in support.

**John Olson, ND Peace Officers Association:** Support. Our committee took a look at this bill and we do support.

**Chairman DeKrey:** Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Bonnie Palacek dropped off testimony on 2/28/07 {see attached testimony} ).

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2185

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 2/27/07

Recorder Job Number: 4002

Committee Clerk Signature *W. Penrose*

Minutes:

**Chairman DeKrey:** We will take a look at SB 2185.

**Rep. Delmore:** I move a Do Pass.

**Rep. Meyer:** Second.

10 YES 0 NO 4 ABSENT

DO PASS

CARRIER: Rep. Wolf

Date: 2/27/07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2185

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin			Rep. Griffin		
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad		
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman					
Rep. Kretschmar	✓				

Total (Yes) 10 No 0

Absent 4

Floor Assignment Rep. Wolf

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

SB 2185, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2185 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2185

AH #1 1-15-07

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

January 15, 2007

Chairman Nething and Members of the Senate Judiciary Committee:

Testimony in Support of SB 2185

Good morning, for the record my name is Randi Roerick and I am part of the ND Council on Abused Women's Services public policy team and the Campus Violence Prevention Program Coordinator. I am here today to provide information that will speak to the importance of SB 2185.

Over the past few years, the act of strangulation has come to the attention of many involved in domestic violence as a crucial area that needs to be addressed. In our own state domestic violence advocates have become increasingly concerned with the life threatening danger strangulation poses.

Strangulation is produced by a constant application of pressure to the neck or blocking the nose or mouth of a person. Although there are four types of strangulation, manual strangulation is the most frequent type seen in domestic violence incidents. The affects of non-fatal strangulation can include all of the following: parchment compression grooves from hands or ligature, petechial hemorrhages, scratch marks or abrasions, difficulty breathing, airway compromise, pneumonia, adult respiratory distress syndrome, post anoxic encephalopathy, psychosis, amnesia, cerebrovascular accident (stroke), and progressive dementia (The Journal of Emergency Medicine, 2001). Other less obvious effects include symptomatic voice changes, which may be as mild as simple hoarseness or a complete loss of voice. Many victims also report that it is difficult or painful to swallow. Difficulty in getting a breath is also common and may be secondary to underlying neck injuries. It is critical to know that breathing changes may initially appear to be mild, yet underlying injuries may kill the victim hours or days later due to decompensation of the injured structures. Involuntary urination and defecation are also common side effects. However, without a critical understanding of strangulation, law enforcement and victims themselves may not appropriately attribute these symptoms as evidence of strangulation and evidence will be lost.

It is also possible to survive a strangulation and have no immediate visible injuries, especially at the time that law enforcement first respond. This makes it more difficult for health care and law enforcement to detect findings or determine the actual severity of the attack and injuries suffered according to Dr. Peggy Goodman, Director of Violence Prevention Resources and Vice Chair of Emergency Medicine at East Carolina University. Gael Strack, an Assistant District Attorney in San Diego and a national expert on Strangulation, states that part of the problem is that perceptions and knowledge about strangulation need to be changed. For instance, how often does law enforcement, prosecutors, media, even advocates, refer to strangulation as "choking"? How often do

we "want to ring someone's neck" or say, "I could have strangled him"? We decrease the severity of the crime when we present it in such a casual light. Prosecutors need to realize what a successful investigation will look like. For instance, since victims often do not seek medical help, law enforcement needs to be trained to document strangulation injuries and encourage medical treatment, which then becomes the medical record. In addition, prosecutors need to bring medical experts into court to testify to the seriousness and potential for internal injuries as a result of strangulation.

Strangulation is a very convenient and serious form of attack. The only weapons needed are the hands and it requires very little force to compromise the blood vessels in the neck. Only eleven pounds of pressure placed upon both carotid arteries for ten seconds is necessary to cause unconsciousness. After 50 seconds of continuous oxygen deprivation the victim rarely recovers (Detecting and Investigating Strangulation Cases, 2003). Very few studies have been done to measure the prevalence of strangulation in domestic violence relationships. However, women in abusive relationships tend to experience more frequent and more severe violence the longer the abuse continues. Abusers tend to perpetrate the same type of violence over and over with ever-increasing rage and worsening injury toward the victim. The act of strangulation is a serious indicator that eventually a victim may die at the hands of their perpetrator.

Several other states across the country have already begun to recognize the importance of specific strangulation statutes including; Minnesota, Oklahoma, Idaho, Missouri, and Nebraska.

Currently, in North Dakota a non-lethal assault by strangulation is most often charged as a misdemeanor simple assault. In a perfect world we dream of a day when the only suitable charge for this crime is attempted murder. Unfortunately, we aren't there yet. We do believe very strongly however, that equating strangulation to simple assault is unacceptable. It fails to acknowledge the severity of this crime, it fails to protect victims from further violence and it binds the hands of those who are seeking to intervene in these dangerous situations. Finally, it sends a message that unless there are extreme injuries, which can be documented immediately, you aren't a victim at all.

In Grand Forks advocates use the Domestic Abuse Information Network database to collect information on domestic incident reports from the Grand Forks Police Department, the Grand Forks County Sheriff's Office and the University Police Department. Because of the growing concern and seriousness of strangulation, advocates at the Community Violence Intervention Center track all reports when there is mention of strangulation or "choking" in incident reports. In 2004, there were 40 reports collected that noted strangulation, which equated to 5% of all reports that year. In 2005 there were 34 (4%) reports that noted strangulation. In 2006, of the 32 reports noting strangulation, 15 had charges of simple assault filed and 5 cases were charged as aggravated assaults. In 3 of the 5 aggravated assault cases, law enforcement sent affidavits of probable cause to the states attorney as simple assaults, but these cases were subsequently filed or amended by the states attorney as aggravated assault charges. In Bismarck, the Abused Assault Resource Center tracks reports much like they do in Grand Forks. In 2006, there

were 58 police reports that indicated strangulation had occurred, which equated to 6% of all reports this year. Of these 58 reports one was charged as attempted murder, 11 were charged as simple assaults and in 25 cases no charges were filed at all. (The complete breakdown of Bismarck's statistics are labeled Appendix A at the end of this testimony.)

Today you will hear from an advocate, two survivors, a retired police chief and the Criminal Justice Project Coordinator at the ND Council on Abused Women's Services. Each will provide you with insight into how strangulation affects how they live their lives or do their jobs. Because while it may seem that we are immune to the effects of such severe violence unfortunately, as you will find out, we are not. At this time I will answer any questions that the committee might have. Thank you.

Randi Roerick  
Campus Violence Prevention Program Coordinator/Public Policy Team  
ND Council on Abused Women's Services/Coalition Against Sexual Assault in ND  
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### References

- Detecting and Investigating Strangulation Cases.  
(<http://www.daclute.com/Resourcematerials/strangulationinvestigation.htm>), 2003.
- McCool, A. (2003). The severity of domestic violence strangulation and the need for stricter penalties for perpetrators in North Carolina.
- Strack, G.B., McClane, G. E., & Hawley, D. (2001). A review of 300 attempted strangulation cases part I: Criminal legal issues. The Journal of Emergency Medicine, 21(3), pp.303-309.
- Wilbur, L., Higley, M., Hatfield, J., Surprenant, Z., Taliaferro, E., Smith, D. J., Jr., & Paolo, A. (2001). Survey results of women who have been strangled while in an abusive relationship. The Journal of Emergency Medicine, 21(3), pp. 297-302.

APPENDIX A:

**2006 Strangulation Statistics**

Abused Adult Resource Center, Bismarck ND

**Reports**

Total number of police reports:	987
Reports indicating physical violence:	470
Reports indicating strangulation:	58
Total number of initial arrests:	21

**Offenses (written by officers)**

Attempted Murder:	1
Aggravated Assault:	8
Reckless Endangerment:	1
Interference with 911 call:	1
Simple Assault:	39
Criminal Mischief:	1
Domestic Dispute:	7

**Charges:**

Attempted Murder:	1
Aggravated Assault:	0
Simple Assault:	11
Disorderly Conduct:	1
No charges filed:	25
Report not forwarded:	10
Dismissed:	2
Pending/unknown:	8

**Review:**

- 6% of all police reports indicated strangulation (58/987)
- 12% of all police reports that reported physical violence also reported strangulation. (58/470)

78239.0100 This is a Mock-up; it is not an official copy

Amend  
1-24-07  
Att #1

Sixtieth  
Legislative Assembly  
of North Dakota

SENATE BILL NO. 2185

Introduced by

Senators Kilzer, Christmann

Representatives Kaldor, Weiler

A BILL for an Act to amend and reenact section 12.1-01-04 of the North Dakota Century Code, relating to the definition of "Serious Bodily Injury" ~~create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the prohibition of strangulation of another person; and to provide a penalty.~~

**~~BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:~~**

**~~SECTION 1.~~** ~~A new section to chapter 12.1-17 of the North Dakota Century Code is created and enacted as follows:~~

**~~Strangulation.~~**

- ~~1. An individual is guilty of an offense if that individual willfully impedes the normal breathing or circulation of the blood of another individual by:
  - ~~a. Applying pressure on the throat or neck; or~~
  - ~~b. Blocking the nose or mouth of the other individual.~~~~
- ~~2. The offense is:
  - ~~a. A class C felony except as provided in subdivision b or c.~~
  - ~~b. A class B felony when the actor used or attempted to use anything but the actor's own hands.~~
  - ~~c. A class B felony when it is the actor's second or subsequent strangulation offense.~~~~

Chairperson Nething and Members of the Senate Judiciary Committee

Re: Testimony in Support of SB 2185

Date: Monday, January 15, 2007

Good Morning Chairperson Nething and members of the Senate Judiciary Committee:

My name is Christal Sammons and I am here to testify in support of SB 2185 because I am a survivor of Domestic Violence.

Domestic violence is intentional or reckless causing or attempting to cause bodily injury to a family or household member or placing a family or household member in reasonable apprehension of imminent serious bodily injury to himself or herself or another. The FBI indicates that 20% of all homicides occurred during domestic disturbances and that police had previously been called at least once to 85% of the victims homes. I believe that Senate Bill 2185 can help change this horrible fact and in doing so give victims some of their dignity back along with peace of mind knowing that the attacker won't be out in just 30 days with a slap on the wrist but do some real time for what they have done.

While researching the law for today, I looked at the Assault laws in North Dakota. It scared me because everything listed in there had been done to me. The person who abused me kept escalating the violence he did to me.

On May 18<sup>th</sup> 2006 at 9:00 p.m. I was attacked by a man who I had tried repeatedly to break off a relationship with. He didn't care that I had a restraining order against him. He came to my home and wanted to talk. I agreed thinking it would hopefully be the end of it and I could get on with my life. We started to argue and he shoved me, as he did so I reached for my cell phone and told him I was calling the police. He took my cell phone from me and threw it across the room. I turned around to bend over to pick up my phone to put it back together so that I could call the cops. He grabbed me from behind; he put his arms around my neck and began to shake back and forth as he shoved me to the ground. No matter how much I tugged at his arms, he just kept squeezing harder and harder. He kept telling me that he was going to kill me to make me pay for what I had done. I had ruined his life so he was going to take mine. I tried pleading with him as I gasped for air, it did no good. Things got blurry, I involuntarily wet my pants and things went black. The last thought in my mind was not being able to tell my kids goodbye or see them grow old. I don't know how much time went by, I started to wake up and he would be there standing over me tossing things at me as I tried to get up, busting house plants, lamps etc. over my head. I would try to stand up and he would start strangling me again and again with his knees in my back as he pulled and twisted on my neck. I tried grabbing him between the legs, biting his arms and he still wouldn't stop until I stopped breathing. This went on a total of 3 times that night before I was able to try and escape out of my own house. When I did get outside and locked myself in my car, he broke the window and tried pulling me out to finish the job.



I crawled out the other side and ran to the neighbors in my skirt and bra all bloody and bruised and called the police. The police came as quickly as they could but it didn't stop him from trashing my house. I know that he is in jail, but it doesn't stop the nightmares or the flashbacks. The other day a dog jumped on my car window and I screamed and started crying, I thought it was him again.

The man that attacked me was convicted of attempted murder, criminal mischief, interfering with a 911 phone call and violation of a disorderly conduct restraining order. Judge Wefald denied the plea agreement made by a Burleigh County Assistant State's Attorney and instead sentenced him to 23 years with 5 suspended.

One goes through life thinking that this will never happen to them. I find the statistics of Domestic Violence very alarming and the punishment for these crimes not more than just a slap on the wrist. Pass Senate Bill 2185 and make them pay for what they have done. Give victims in North Dakota some justice.

