



FAIRFIELD POLICE DEPARTMENT TRAINING BULLETIN

July, 2012

Strangulation/DV Law Update

Penal Code 245 PC has been updated to reflect the recognition of the potential effects of strangulation. 245(a)(4) PC has been added to the 2012 Penal Code. It states “Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000) or by both the fine and imprisonment.”

Please note also that 245(a)(1)PC has been altered, removing the “likely to produce great bodily injury” passage. 245(a)(1) PC is now for deadly weapons or instruments (not a firearm) only.

Also, 273.5(c) PC has been updated, with the following additional language (new language underlined): “As used in this section, “traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.”

Note: 273.5(c)PC is not a charging section. It is for definition only.

Application to Police Work

According to Solano DDA Jack Harris, he requests that all DV injuries be well documented, including the victim’s description of pain around/in the neck or throat. In a case of DV strangulation, the primary case code will be 273.5(a) PC, with a secondary crime code of 245(a)(4)PC. If the relationship between suspect and victim does not meet the elements for 273.5 PC, and the charging section would otherwise be 243(e)(1)PC, and strangulation or suffocation is alleged, then 245(a)(4)PC (felony) would be the primary crime code, and 243(e)(1)PC (misdemeanor) would be the secondary crime code. The District Attorney’s Office is charging both the applicable DV offense and the ADW.

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Distribution: Sworn