

SB 283 Revising Partner or Family Member Assault (PFMA)

SB 283 Seeks to make the act of strangulation in the course of a Partner or Family Member Assault (PFMA) a felony. Under current Montana law, the first two PFMA convictions are misdemeanors. The third is a felony. Research has demonstrated, however, that assaults which include strangulation in the course of a PFMA increase morbidity and mortality.

From the National Institute of Justice Journal, U.S. Department of Justice under John Ashcroft, Office of Justice Programs, 2003, Issue no. 250.

“...three key risk factors in violence against women [that] predict a lethal outcome. They are the type of past violence (previous choking is a significant risk factor), recency of attack, and frequency of violence.”

“Finding: Any past attempt to strangle or choke her is a risk factor for severe or fatal violence. In a fourth of the homicides of a woman by a man, he strangled or smothered her to death. Violent incidents involving choking were more likely to prove fatal.”

Women who were choked and/or strangled were 10 times more likely than other women to be murdered by their partners.

From the Journal of Emergency Medicine, vol. 21, no.3, 2001.

“Studies show that strangulation occurs late in the abusive relationship; thus, women presenting with complaints consistent with strangulation probably represent women at higher risk for major morbidity or mortality.”

The average duration of the relationship before being strangled was 5.2 years, and the average length of abuse before the initial strangulation episode was 3.1 years. (This means that an attack including strangulation is unlikely to be a first, second, or even third or more attack. Strangulation tends to occur much later in the cycle of abuse.)

Non-lethal strangulation can have detrimental medical complications up to two weeks after the strangulation incident.

Clinical symptoms: loss of consciousness, scratches on the neck, vision changes, dysphagia, neck pain, and psychiatric problems that include depression and Post

Traumatic Stress Disorder. Incidents of cerebrovascular accidents (CVA's) as a result of injury or dissection of the carotid artery, generally occurring within two weeks after the strangulation attack.

In strangulation cases, 87% of abusers had previously threatened to kill their victims and 70% of the victims thought that they were going to die as a result of the strangulation episode.

SB 283 Seeks to remove gender distinctions in the Partner or Family Member Assault (PFMA) statute.

Including same-sex couples in PFMA statutes serves:

Law Enforcement – Law Enforcement is given the proper tools for the situation, such as being able to refer the victim to a domestic violence services program.

Victims – Victims would be eligible for services and protections currently unavailable to them. These protections would include restraining orders, access to civil domestic violence attorneys, and privileged and confidential communications between victims and domestic violence advocate.

Offenders – Offenders would receive appropriate penalties and appropriate counseling and programs that could reduce the risk of repeated behavior.

Only Montana, Delaware, and South Carolina make gender distinctions in their PFMA statutes.

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