Exhibit 2
Date 1-31-05
Bill No. SB 283

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From: "Doug Colombik" <dcolombik@milescity-mt.org>
To: dklein@mcadsv.com
Date: Fri, 28 Jan 2005 14:38:07 -0700
Subject: SB 283

Dear Members of the Senate Judiciary Committee,

I am writing this letter in support of SB 283. I am a Detective with the Miles City Police Department and I will have been with the MCPD for 14 years this spring. As you can imagine, I have seen much crime in my career. But the most disturbing trend I have seen recently is the amount of serious Partner/Family Member Assaults.

In just the last year alone, I have investigated several strangulation cases in Miles City. Normally a suspect is charged with Aggravated Assault on a serious PFMA. But during one trial held in Custer County, we had a suspect admit on stand that he choked his girlfriend and still walk away from the charge of Aggravated Assault. This is because of the way Montana law is written under Aggravated Assault. Under 45-5-202, the law states that "A person commits the offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another." The problem we had with that case, and many others, is that the victim, though injured during the assault, did not suffer serious bodily injury.

One of the biggest problems I have seen with strangulation cases is the public's lack of knowledge of how serious it is. Due to the number of serious PFMA cases we have been seeing, I was sent to an international conference on domestic violence in California in 2003. One of the classes offered dealt with strangulation cases. An emergency room physician taught us how serious strangulation really is. The general clinical sequence of a victim who is being strangled is one of severe pain, followed by unconsciousness, then brain death. Pressure placed on both carotid arteries for only ten seconds can cause unconsciousness. Brain death can occur within 4 to 5 minutes. It is critical to appreciate that although breathing changes may initially appear to be mild, underlying injuries may kill the victim up to 36 hours or more later due to decompensation of the injured structures.

We had another case in Miles City where a young female was a victim of strangulation. She was in the bathtub when she was attacked. The suspect strangled her with both hands and she lost consciousness. She stated to me during an interview that she had extreme pain in her neck, had trouble swallowing, felt nauseated, and thought she was going to die. She had dark red marks on her neck as a result of the incident. She was not hospitalized, but it was obvious that she suffered a serious injury.

The suspect ended up with a Misdemeanor charge of PFMA and was out of jail a couple of days after the assault. In California, Illinois or Florida, that same suspect would have been sent to prison for strangling his young wife. But in Montana, he walked away from it.

Looking at Montana criminal law, Criminal Endangerment (45-5-207)is the only law that would be used to charge someone with strangulation. The majority of victims will not end up in the hospital, and that is where we run into trouble with Aggravated Assault charges. Montana needs a code that makes strangulation a felony, regardless if the victim suffers serious bodily injury and ends up in the hospital or not. In Miles City, it is just a matter of time before we have a homicide as a result of strangulation. We need to do whatever we can to prevent that from happening. One death is too many. Thank you for your time and consideration.

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