

# Strangulation

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into an office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Strangulation is a crime and has a maximum sentence of 21 years in jail.

## What is strangulation?

Choking, suffocation and strangulation must be done deliberately and could happen in many different ways, including actions such as:

- applying pressure to someone's throat or neck with your hands, arms or legs
- suffocating someone with an item such as a pillow, a rope or a plastic bag
- holding someone underwater.

## The law about strangulation has changed, what is different?

In the past, if someone choked, suffocated or strangled another person without killing them, they could be charged with crimes including assault, grievous bodily harm or attempted murder.

The change in Tasmania's law means that strangulation is identified as a crime in itself. It is titled 'strangulation' but applies equally to choking and suffocation as well. This has been done to send a strong message to the Tasmanian community that strangulation is a crime and it will be punished.

Strangulation now has a maximum sentence of 21 years in jail.

## Why has the law been changed?

Choking, suffocation and strangulation are very dangerous actions and have resulted in many deaths in Tasmania and across Australia.

Some people who experience family violence are choked, suffocated or strangled as part of that violence. Research suggests that if a person does this to their intimate partner, they could later do other violent acts that result in death.

The law has been changed to make sure everyone in Tasmania is aware of how serious this behaviour is and to punish people if they commit the offence.

## What should I do if I have experienced strangulation?

If someone has choked, suffocated or strangled you, it is important that you seek medical attention as soon as possible as it can have serious physical effects including death.

You should consider making a complaint to Tasmania Police, by calling 000 in an emergency, or 131 444 if you are not in an emergency

situation.

The sooner you make a complaint, the sooner you can be protected from the person who has hurt you.

You may also wish to take some photos of any marks or injuries you may have suffered. This can be helpful if the matter ends up in court.

The offence can still be committed if it does not cause an injury, like marks, swelling or bruising. An absence of any of these things should not stop you from acting.

## What will happen to me if I strangle someone?

If you deliberately choke, suffocate or strangle someone, you are committing a serious crime. It is highly likely you will receive a criminal conviction and a jail sentence.

Many employers ask for a criminal history check which may prevent you finding employment. If you have a conviction for this offence, it is also very unlikely you will be able to secure a qualification to work with vulnerable people. This can prevent you from working in many roles and professions.

**This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.**