

New domestic violence law views hands as deadly weapons

by NOELLE NEWTON / KVUE NEWS

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A study released Tuesday shows domestic violence attacks have risen 27 percent this year. Victim advocates hope a new law will help turn that around.

The Texas Council on Family Violence puts out a list every year of those killed by someone they once loved. Each has a tragic story like Irene Colunga of Austin. She was shot in the throat by an ex-boyfriend in 2002. Travis County Assistant District Attorney Dana Nelson was in the midst of helping Colunga through an assault by the same man at the time of her death.

"There are lots of aspects about working on family violence that are really difficult," Nelson said.

For Nelson and others who work with domestic violence victims, there is a clear indication of when things go from bad to worse.

"Hitting and shoving causes bruises and breaks bones. Strangulation takes somebody's breath away. It kills them," said Julia Spann, executive director of Safe Place.

Spann helped get a new law passed this year which took strangulation out from under the umbrella misdemeanor charge of assault/ family violence to a felony. It essentially means law enforcement now views hands as a deadly weapon. The change took effect on September 1.

Strangulation is classified as either a 3rd or 2nd degree felony. The more severe charge of a 2nd degree felony is typically issued if the victim loses consciousness and has clear signs of injury. The punishment ranges from two to 20 years in jail. The previous misdemeanor charge carried a maximum sentence of one year.

"When we see strangulation as the manner of assault it's more likely, it's four to five times more likely that that defendant will use lethal force in the future," Nelson said.

It also shows a clear trail and escalation of the assaults a victim endures. Most importantly, it tells the victim it's time to seek help.

"I would say that it's a warning sign that it's a very dangerous situation and they don't deserve that. They absolutely don't deserve to have that happen to them," Spann said.

Also new is a charge called continuous violence against family. It will be issued for those who commit two assaults within the same year. Instead of one misdemeanor charge for each, they will be lumped together as a felony.

If you or someone you know is the victim of domestic violence, call 267-SAFE. It's the Safe Place Hotline and it is staffed around the clock.