

STATES OF JERSEY



Jersey

DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202- (P.8/2026): AMENDMENT

**Lodged au Greffe on 6th February 2026
by the Minister for Justice and Home Affairs
Earliest date for debate: 24th February 2026**

STATES GREFFE

DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202- (P.8/2026): AMENDMENT

PAGE 14, ARTICLE 1 –

- (1) In Article 1(2), after “A has a defence if” insert “A proves, on the balance of probabilities, that”.
- (2) In Article 1(3), for the definition “strangle” substitute –
 - “strangle” includes –
 - (a) to suffocate;
 - (b) to choke;
 - (c) to restrict a person’s breathing by any means; and
 - (d) to restrict the flow of blood to a person’s brain by any means.

MINISTER FOR JUSTICE AND HOME AFFAIRS

REPORT

This amendment makes minor improvements to the treatment of the defence of consent, to align its terms more closely to defences in existing legislation, which were highlighted as part of the final preparations for lodging the [Draft Crime \(Strangulation\) \(Jersey\) Law 202-](#). They have been lodged as an amendment after the fact to ensure all of the legislation to address violence against women and girls could be debated as a coherent package.

Separately, once the legislation was lodged and available for public view, my officers were approached by academics from Exeter University who have undertaken research on the impact of standalone strangulation offences on preventing intimate partner homicides. Following a review of the proposition, these researchers suggested that the restriction of blood flow to the brain should be included in the definition of strangulation, in addition to restriction of breathing, as this is the most damaging aspect of strangulation. I am grateful to them for highlighting this.

The amendment therefore –

- Modifies the limited defence that the victim consented to strangulation by clarifying that to succeed it must be proven on the balance of probabilities.
- Expands the definition of strangulation to include deliberate actions that restrict the flow of blood to a person's brain.

Financial and staffing implications

There are no staffing or resource implications as a result of this amendment.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) screener has been prepared in relation to this proposition and is available to read on the States Assembly website.