

By: Representatives Fredericks, Dickson,
Miller, Peranich, Simmons, Thomas, Scott
(80th)

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1086

1 AN ACT TO PROVIDE FULL FAITH AND CREDIT FOR FOREIGN DOMESTIC
2 VIOLENCE ORDERS; TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF
3 1972, TO REVISE THE OFFENSE OF DOMESTIC VIOLENCE; AND FOR RELATED
4 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI:
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7 SECTION 1. (1) Except as provided by subsection (2), a
8 protective order from another jurisdiction issued to protect the
9 applicant from domestic violence as defined in Section 99-3-7,
10 Mississippi Code of 1972, shall be accorded full faith and credit
11 by the courts of this state and enforced as if the order were
12 rendered by the court in this state.

13 (2) A protective order from another jurisdiction is presumed
14 to be valid if the order appears authentic on its face. The
15 effective dates of the order shall be enforced as they appear on
16 the order's face. Where no expiration date appears on the face of
17 the order, the order shall be deemed to have expired one (1) year
18 from the date of issuance.

19 (3) It is an affirmative defense in any action seeking
20 enforcement of a protective order issued in another jurisdiction
21 that the respondent was not given reasonable notice and an
22 opportunity to be heard consistent with due process either:

23 (a) Before the date the order was rendered; or

24 (b) In the case of an ex parte order, within the time
25 required by the jurisdiction rendering the order after the date
26 the order was rendered.

27 SECTION 2. Section 97-3-7, Mississippi Code of 1972, is
28 amended as follows:

29 97-3-7. (1) A person is guilty of simple assault if he (a)
30 attempts to cause or purposely, knowingly or recklessly causes
31 bodily injury to another; or (b) negligently causes bodily injury
32 to another with a deadly weapon or other means likely to produce
33 death or serious bodily harm; or (c) attempts by physical menace
34 to put another in fear of imminent serious bodily harm; and, upon
35 conviction, he shall be punished by a fine of not more than Five
36 Hundred Dollars (\$500.00) or by imprisonment in the county jail
37 for not more than six (6) months, or both. Provided, however, a
38 person convicted of simple assault (a) upon a statewide elected
39 official, law enforcement officer, fireman, emergency medical
40 personnel, public health personnel, superintendent, principal,
41 teacher or other instructional personnel and school attendance
42 officers or school bus driver while such statewide elected
43 official, law enforcement officer, fireman, emergency medical
44 personnel, public health personnel, superintendent, principal,
45 teacher or other instructional personnel and school attendance
46 officers or school bus driver is acting within the scope of his
47 duty, office or employment, or (b) upon a legislator while the
48 Legislature is in regular or extraordinary session shall be
49 punished by a fine of not more than One Thousand Dollars
50 (\$1,000.00) or by imprisonment for not more than five (5) years,
51 or both.

52 (2) A person is guilty of aggravated assault if he (a)
53 attempts to cause serious bodily injury to another, or causes such
54 injury purposely, knowingly or recklessly under circumstances
55 manifesting extreme indifference to the value of human life; or
56 (b) attempts to cause or purposely or knowingly causes bodily
57 injury to another with a deadly weapon or other means likely to
58 produce death or serious bodily harm; and, upon conviction, he
59 shall be punished by imprisonment in the county jail for not more
60 than one (1) year or in the penitentiary for not more than twenty
61 (20) years. Provided, however, a person convicted of aggravated

62 assault (a) upon a statewide elected official, law enforcement
63 officer, fireman, emergency medical personnel, public health
64 personnel, superintendent, principal, teacher or other
65 instructional personnel and school attendance officers or school
66 bus driver while such statewide elected official, law enforcement
67 officer, fireman, emergency medical personnel, public health
68 personnel, superintendent, principal, teacher or other
69 instructional personnel and school attendance officers or school
70 bus driver is acting within the scope of his duty, office or
71 employment, or (b) upon a legislator while the Legislature is in
72 regular or extraordinary session shall be punished by a fine of
73 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
74 for not more than thirty (30) years, or both.

75 (3) A person is guilty of simple domestic violence who
76 commits simple assault as described in subsection (1) of this
77 section against a family or household member who resides with the
78 defendant or who formerly resided with the defendant, and, upon
79 conviction, the defendant shall be punished as provided under
80 subsection (1) * * * of this section; provided, that upon a third
81 or subsequent conviction of simple * * * domestic violence,
82 whether against the same or another victim and within five (5)
83 years, the defendant shall be guilty of a felony and sentenced to
84 a term of imprisonment not less than five (5) nor more than ten
85 (10) years.

86 (4) A person is guilty of aggravated domestic violence who
87 commits aggravated assault as described in subsection (2) of this
88 section against a family or household member who resides with the
89 defendant or who formerly resided with the defendant, and upon
90 conviction, the defendant shall be punished as provided under
91 subsection (2) of this section; provided that upon a third or
92 subsequent offense of aggravated * * * domestic violence, whether
93 against the same or another victim and within five (5) years, the
94 defendant shall be guilty of a felony and sentenced to a term of

95 imprisonment of not less than five (5) nor more than twenty (20)
96 years. Reasonable discipline of a child, such as spanking, is not
97 an offense under this subsection (3). * * *

98 (5) In any conviction of assault as described in any
99 subsection of this section which arises from an incidence of
100 domestic violence, the sentencing order shall include the
101 designation "domestic violence."

102 SECTION 3. This act shall take effect and be in force from
103 and after July 1, 1999.