

By: Representative Fredericks

To: Judiciary B

HOUSE BILL NO. 1126

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSE OF DOMESTIC VIOLENCE; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 SECTION 1. Section 97-3-7, Mississippi Code of 1972, is
5 amended as follows:

6 97-3-7. (1) A person is guilty of simple assault if he (a)
7 attempts to cause or purposely, knowingly or recklessly causes
8 bodily injury to another; or (b) negligently causes bodily injury
9 to another with a deadly weapon or other means likely to produce
10 death or serious bodily harm; or (c) attempts by physical menace
11 to put another in fear of imminent serious bodily harm; and, upon
12 conviction, he shall be punished by a fine of not more than Five
13 Hundred Dollars (\$500.00) or by imprisonment in the county jail
14 for not more than six (6) months, or both. Provided, however, a
15 person convicted of simple assault (a) upon a statewide elected
16 official, law enforcement officer, fireman, emergency medical
17 personnel, public health personnel, superintendent, principal,
18 teacher or other instructional personnel and school attendance
19 officers or school bus driver while such statewide elected
20 official, law enforcement officer, fireman, emergency medical
21 personnel, public health personnel, superintendent, principal,
22 teacher or other instructional personnel and school attendance
23 officers or school bus driver is acting within the scope of his
24 duty, office or employment, or (b) upon a legislator while the
25 Legislature is in regular or extraordinary session shall be
26 punished by a fine of not more than One Thousand Dollars

27 (\$1,000.00) or by imprisonment for not more than five (5) years,
28 or both.

29 (2) A person is guilty of aggravated assault if he (a)
30 attempts to cause serious bodily injury to another, or causes such
31 injury purposely, knowingly or recklessly under circumstances
32 manifesting extreme indifference to the value of human life; or
33 (b) attempts to cause or purposely or knowingly causes bodily
34 injury to another with a deadly weapon or other means likely to
35 produce death or serious bodily harm; and, upon conviction, he
36 shall be punished by imprisonment in the county jail for not more
37 than one (1) year or in the penitentiary for not more than twenty
38 (20) years. Provided, however, a person convicted of aggravated
39 assault (a) upon a statewide elected official, law enforcement
40 officer, fireman, emergency medical personnel, public health
41 personnel, superintendent, principal, teacher or other
42 instructional personnel and school attendance officers or school
43 bus driver while such statewide elected official, law enforcement
44 officer, fireman, emergency medical personnel, public health
45 personnel, superintendent, principal, teacher or other
46 instructional personnel and school attendance officers or school
47 bus driver is acting within the scope of his duty, office or
48 employment, or (b) upon a legislator while the Legislature is in
49 regular or extraordinary session shall be punished by a fine of
50 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
51 for not more than thirty (30) years, or both.

52 (3) A person is guilty of simple domestic violence who
53 commits simple assault as described in subsection (1) of this
54 section against a family or household member who resides with the
55 defendant or who formerly resided with the defendant, and, upon
56 conviction, the defendant shall be punished as provided under
57 subsection (1) * * * of this section; provided, that upon a third
58 or subsequent conviction of simple * * * domestic violence,
59 whether against the same or another victim and within five (5)
60 years, the defendant shall be guilty of a felony and sentenced to
61 a term of imprisonment not less than five (5) nor more than ten
62 (10) years.

63 (4) A person is guilty of aggravated domestic violence who

64 commits aggravated assault as described in subsection (2) of this
65 section against a family or household member who resides with the
66 defendant or who formerly resided with the defendant, and upon
67 conviction, the defendant shall be punished as provided under
68 subsection (2) of this section; provided that upon a third or
69 subsequent offense of aggravated * * * domestic violence, whether
70 against the same or another victim and within five (5) years, the
71 defendant shall be guilty of a felony and sentenced to a term of
72 imprisonment of not less than five (5) nor more than twenty (20)
73 years. Reasonable discipline of a child, such as spanking, is not
74 an offense under this subsection (3). * * *

75 (5) In any conviction of assault as described in any
76 subsection of this section which arises from an incidence of
77 domestic violence, the sentencing order shall include the
78 designation "domestic violence."

79 SECTION 2. This act shall take effect and be in force from
80 and after July 1, 1999.