

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2460**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

6        SECTION 1. (1) Except as provided by subsection (2), a  
7        protective order from another jurisdiction issued to protect the  
8        applicant from domestic violence as defined in Section 99-3-7,  
9        Mississippi Code of 1972, shall be accorded full faith and credit  
10       by the courts of this state and enforced as if the order were  
11       rendered by the court in this state.

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

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

22                (a) Before the date the order was rendered; or  
23                (b) In the case of an ex parte order, within the time  
24       required by the jurisdiction rendering the order after the date  
25       the order was rendered.

26       SECTION 2. Section 97-3-7, Mississippi Code of 1972, is

27 amended as follows:

28       97-3-7. (1) A person is guilty of simple assault if he (a)  
29 attempts to cause or purposely, knowingly or recklessly causes  
30 bodily injury to another; or (b) negligently causes bodily injury  
31 to another with a deadly weapon or other means likely to produce  
32 death or serious bodily harm; or (c) attempts by physical menace  
33 to put another in fear of imminent serious bodily harm; and, upon  
34 conviction, he shall be punished by a fine of not more than Five  
35 Hundred Dollars (\$500.00) or by imprisonment in the county jail  
36 for not more than six (6) months, or both. Provided, however, a  
37 person convicted of simple assault (a) upon a statewide elected  
38 official, law enforcement officer, fireman, emergency medical  
39 personnel, public health personnel, superintendent, principal,  
40 teacher or other instructional personnel and school attendance  
41 officers or school bus driver while such statewide elected  
42 official, law enforcement officer, fireman, emergency medical  
43 personnel, public health personnel, superintendent, principal,  
44 teacher or other instructional personnel and school attendance  
45 officers or school bus driver is acting within the scope of his  
46 duty, office or employment, or (b) upon a legislator while the  
47 Legislature is in regular or extraordinary session shall be  
48 punished by a fine of not more than One Thousand Dollars  
49 (\$1,000.00) or by imprisonment for not more than five (5) years,  
50 or both.

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

than one (1) year or in the penitentiary for not more than twenty (20) years. Provided, however, a person convicted of aggravated assault (a) upon a statewide elected official, law enforcement officer, fireman, emergency medical personnel, public health personnel, superintendent, principal, teacher or other instructional personnel and school attendance officers or school bus driver while such statewide elected official, law enforcement officer, fireman, emergency medical personnel, public health personnel, superintendent, principal, teacher or other instructional personnel and school attendance officers or school bus driver is acting within the scope of his duty, office or employment, or (b) upon a legislator while the Legislature is in regular or extraordinary session shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.

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

(4) A person is guilty of aggravated domestic violence who commits aggravated assault as described in subsection (2) of this section against a family or household member who resides with the defendant or who formerly resided with the defendant, and upon conviction, the defendant shall be punished as provided under subsection (2) of this section; provided that upon a third or

91 subsequent offense of aggravated \* \* \* domestic violence, whether  
92 against the same or another victim and within five (5) years, the  
93 defendant shall be guilty of a felony and sentenced to a term of  
94 imprisonment of not less than five (5) nor more than twenty (20)  
95 years. Reasonable discipline of a child, such as spanking, is not  
96 an offense under this subsection (3). \* \* \*

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.