

By: Warren

To: Judiciary B

HOUSE BILL NO. 373

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE REFEREES AT SPORTING EVENTS IN THE ENHANCED PENALTY
3 PROVISIONS FOR SIMPLE AND AGGRAVATED ASSAULT; AND FOR RELATED
4 PURPOSES.

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

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

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

23 emergency medical personnel, public health personnel,
24 superintendent, principal, teacher or other instructional
25 personnel, referee and school attendance officers or school bus
26 driver is acting within the scope of his duty, office or
27 employment, or (b) upon a legislator while the Legislature is in
28 regular or extraordinary session shall be punished by a fine of
29 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
30 for not more than five (5) years, or both.

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

54 (30) years, or both.

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

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

80 (5) Every conviction of domestic violence may require as a
81 condition of any suspended sentence that the defendant participate

82 in counseling or treatment to bring about the cessation of
83 domestic abuse. The defendant may be required to pay all or part
84 of the cost of the counseling or treatment, in the discretion of
85 the court.

86 (6) In any conviction of assault as described in any
87 subsection of this section which arises from an incident of
88 domestic violence, the sentencing order shall include the
89 designation "domestic violence."

90 SECTION 2. This act shall take effect and be in force from
91 and after July 1, 2000.