

By: Fredericks, Clarke, Coleman (29th),
Coleman (65th), Dickson, Jennings, Peranich,
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To: Judiciary B

HOUSE BILL NO. 564
(As Sent to Governor)

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

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

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

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

27 punished by a fine of not more than One Thousand Dollars
28 (\$1,000.00) or by imprisonment for not more than five (5) years,
29 or both.

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

53 (3) A person is guilty of simple domestic violence who
54 commits simple assault as described in subsection (1) of this
55 section against a family or household member who resides with the
56 defendant or who formerly resided with the defendant, a current or
57 former spouse, or a person with whom the defendant has had a
58 biological or legally adopted child and upon conviction, the
59 defendant shall be punished as provided under subsection (1) of
60 this section; provided, that upon a third or subsequent conviction
61 of simple domestic violence, whether against the same or another
62 victim and within five (5) years, the defendant shall be guilty of
63 a felony and sentenced to a term of imprisonment not less than

64 five (5) nor more than ten (10) years.

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

79 (5) Every conviction of domestic violence may require as a
80 condition of any suspended sentence that the defendant participate
81 in counseling or treatment to bring about the cessation of
82 domestic abuse. The defendant may be required to pay all or part
83 of the cost of the counseling or treatment, in the discretion of
84 the court.

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

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