

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 564

By Senator(s) Committee

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

7

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

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

28duty, office or employment, or (b) upon a legislator while the
29Legislature is in regular or extraordinary session shall be
30punished by a fine of not more than One Thousand Dollars
31(\$1,000.00) or by imprisonment for not more than five (5) years,
32or both.

33 (2) A person is guilty of aggravated assault if he (a)
34attempts to cause serious bodily injury to another, or causes such
35injury purposely, knowingly or recklessly under circumstances
36manifesting extreme indifference to the value of human life; or
37(b) attempts to cause or purposely or knowingly causes bodily
38injury to another with a deadly weapon or other means likely to
39produce death or serious bodily harm; and, upon conviction, he
40shall be punished by imprisonment in the county jail for not more
41than one (1) year or in the penitentiary for not more than twenty
42(20) years. Provided, however, a person convicted of aggravated
43assault (a) upon a statewide elected official, law enforcement
44officer, fireman, emergency medical personnel, public health
45personnel, superintendent, principal, teacher or other
46instructional personnel and school attendance officers or school
47bus driver while such statewide elected official, law enforcement
48officer, fireman, emergency medical personnel, public health
49personnel, superintendent, principal, teacher or other
50instructional personnel and school attendance officers or school
51bus driver is acting within the scope of his duty, office or
52employment, or (b) upon a legislator while the Legislature is in
53regular or extraordinary session shall be punished by a fine of
54not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
55for not more than thirty (30) years, or both.

56 (3) A person is guilty of simple domestic violence who
57commits simple assault as described in subsection (1) of this
58section against a family or household member who resides with the
59defendant or who formerly resided with the defendant, a current or
60former spouse, a person with whom the defendant has had a
61biological or legally adopted child or a person with whom the
62defendant has or has had a dating relationship within five (5)

63years of the time of the offense, and upon conviction, the
64defendant shall be punished as provided under subsection (1) of
65this section; provided, that upon a third or subsequent conviction
66of simple domestic violence, whether against the same or another
67victim and within five (5) years, the defendant shall be guilty of
68a felony and sentenced to a term of imprisonment not less than
69five (5) nor more than ten (10) years.

70 (4) A person is guilty of aggravated domestic violence who
71commits aggravated assault as described in subsection (2) of this
72section against a family or household member who resides with the
73defendant or who formerly resided with the defendant, a current or
74former spouse, a person with whom the defendant has had a
75biological or legally adopted child or a person with whom the
76defendant has or has had a dating relationship within five (5)
77years of the time of the offense, and upon conviction, the
78defendant shall be punished as provided under subsection (2) of
79this section; provided, that upon a third or subsequent offense of
80aggravated domestic violence, whether against the same or another
81victim and within five (5) years, the defendant shall be guilty of
82a felony and sentenced to a term of imprisonment of not less than
83five (5) nor more than twenty (20) years. Reasonable discipline
84of a child, such as spanking, is not an offense under this
85subsection (4).

86 (5) Every conviction of domestic violence may require as a
87condition of any suspended sentence that the defendant participate
88in counseling or treatment to bring about the cessation of
89domestic abuse. The defendant may be required to pay all or part
90of the cost of the counseling or treatment, in the discretion of
91the court.

92 (6) In any conviction of assault as described in any
93subsection of this section which arises from an incident of
94domestic violence, the sentencing order shall include the
95designation "domestic violence."

96 SECTION 2. This act shall take effect and be in force from
97and after July 1, 2000.

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

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.