

By: Representative Moody

To: Judiciary B

HOUSE BILL NO. 1421

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE CRIMINAL PENALTIES FOR SIMPLE AND AGGRAVATED ASSAULT
3 AGAINST A SOCIAL WORKER EMPLOYED BY THE DEPARTMENT OF HUMAN
4 SERVICES OR ANOTHER AGENCY; AND FOR RELATED 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, social worker employed by the
20 Department of Human Services or another agency, superintendent,
21 principal, teacher or other instructional personnel and school
22 attendance officers or school bus driver while such statewide
23 elected official, law enforcement officer, fireman, emergency
24 medical personnel, public health personnel, social worker,
25 superintendent, principal, teacher or other instructional
26 personnel and school attendance officers or school bus driver is
27 acting within the scope of his duty, office or employment, or (b)

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

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

57 (3) A person is guilty of simple domestic violence who
58 commits simple assault as described in subsection (1) of this
59 section against a family or household member who resides with the
60 defendant or who formerly resided with the defendant, a current or

61 former spouse, or a person with whom the defendant has had a
62 biological or legally adopted child and upon conviction, the
63 defendant shall be punished as provided under subsection (1) of
64 this section; provided, that upon a third or subsequent conviction
65 of simple domestic violence, whether against the same or another
66 victim and within five (5) years, the defendant shall be guilty of
67 a felony and sentenced to a term of imprisonment not less than
68 five (5) nor more than ten (10) years.

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

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

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

93 SECTION 2. This act shall take effect and be in force from
94 and after July 1, 2001.