

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 134

By Senator(s) Committee

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

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, school attendance
21 officer, school bus driver, or a judge of a circuit, chancery,
22 county, justice or youth court or a judge of the Court of Appeals

23 or a justice of the Supreme Court, district attorney, legal
24 assistant to a district attorney, county prosecutor, municipal
25 prosecutor, court reporter, court administrator, clerk or deputy
26 clerk of the court, or public defender, while such statewide
27 elected official, judge or justice, law enforcement officer,
28 fireman, emergency medical personnel, public health personnel,
29 superintendent, principal, teacher or other instructional
30 personnel, school attendance officer, school bus driver, district
31 attorney, legal assistant to a district attorney, county
32 prosecutor, municipal prosecutor, court reporter, court
33 administrator, clerk or deputy clerk of the court, or public
34 defender is acting within the scope of his duty, office or
35 employment, or (b) upon a legislator while the Legislature is in
36 regular or extraordinary session shall be punished by a fine of
37 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
38 for not more than five (5) years, or both.

39 (2) A person is guilty of aggravated assault if he (a)
40 attempts to cause serious bodily injury to another, or causes such
41 injury purposely, knowingly or recklessly under circumstances
42 manifesting extreme indifference to the value of human life; or
43 (b) attempts to cause or purposely or knowingly causes bodily
44 injury to another with a deadly weapon or other means likely to
45 produce death or serious bodily harm; and, upon conviction, he
46 shall be punished by imprisonment in the county jail for not more
47 than one (1) year or in the Penitentiary for not more than twenty
48 (20) years. Provided, however, a person convicted of aggravated
49 assault (a) upon a statewide elected official, law enforcement
50 officer, fireman, emergency medical personnel, public health
51 personnel, superintendent, principal, teacher or other
52 instructional personnel, school attendance officer, school bus

53 driver, or a judge of a circuit, chancery, county, justice or
54 youth court or a judge of the Court of Appeals or a justice of the
55 Supreme Court, district attorney, legal assistant to a district
56 attorney, county prosecutor, municipal prosecutor, court reporter,
57 court administrator, clerk or deputy clerk of the court, or public
58 defender, while such statewide elected official, judge or justice,
59 law enforcement officer, fireman, emergency medical personnel,
60 public health personnel, superintendent, principal, teacher or
61 other instructional personnel, school attendance officer, school
62 bus driver, district attorney, legal assistant to a district
63 attorney, county prosecutor, municipal prosecutor, court reporter,
64 court administrator, clerk or deputy clerk of the court, or public
65 defender is acting within the scope of his duty, office or
66 employment, or (b) upon a legislator while the Legislature is in
67 regular or extraordinary session shall be punished by a fine of
68 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
69 for not more than thirty (30) years, or both.

70 (3) A person is guilty of simple domestic violence who
71 commits simple assault as described in subsection (1) of this
72 section against a family or household member who resides with the
73 defendant or who formerly resided with the defendant, a current or
74 former spouse, or a person with whom the defendant has had a
75 biological or legally adopted child and upon conviction, the
76 defendant shall be punished as provided under subsection (1) of
77 this section; provided, that upon a third or subsequent conviction
78 of simple domestic violence, whether against the same or another
79 victim and within five (5) years, the defendant shall be guilty of
80 a felony and sentenced to a term of imprisonment not less than
81 five (5) nor more than ten (10) years.

82 (4) A person is guilty of aggravated domestic violence who

83 commits aggravated assault as described in subsection (2) of this
84 section against a family or household member who resides with the
85 defendant or who formerly resided with the defendant, or a current
86 or former spouse, or a person with whom the defendant has had a
87 biological or legally adopted child and upon conviction, the
88 defendant shall be punished as provided under subsection (2) of
89 this section; provided, that upon a third or subsequent offense of
90 aggravated domestic violence, whether against the same or another
91 victim and within five (5) years, the defendant shall be guilty of
92 a felony and sentenced to a term of imprisonment of not less than
93 five (5) nor more than twenty (20) years. Reasonable discipline
94 of a child, such as spanking, is not an offense under this
95 subsection (4).

96 (5) Every conviction of domestic violence may require as a
97 condition of any suspended sentence that the defendant participate
98 in counseling or treatment to bring about the cessation of
99 domestic abuse. The defendant may be required to pay all or part
100 of the cost of the counseling or treatment, in the discretion of
101 the court.

102 (6) In any conviction of assault as described in any
103 subsection of this section which arises from an incident of
104 domestic violence, the sentencing order shall include the
105 designation "domestic violence."

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

**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 INCLUDE CERTAIN JUDGES, PROSECUTORS AND OTHER COURT PERSONNEL OR
3 OFFICERS OF THE COURT IN THE ENHANCED PENALTY PROVISION OF THE
4 ASSAULT STATUTE; AND FOR RELATED PURPOSES.