

By: Representative Barbour

To: Judiciary B

HOUSE BILL NO. 1234

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR ENHANCED PENALTIES FOR ASSAULTING A MUNICIPAL JUDGE;
3 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, social worker employed by the
19 Department of Human Services or another agency, superintendent,
20 principal, teacher or other instructional personnel, school
21 attendance officer, school bus driver, or a judge of a circuit,
22 chancery, county, municipal, justice or youth court or a judge of
23 the Court of Appeals or a justice of the Supreme Court, district
24 attorney, legal assistant to a district attorney, county
25 prosecutor, municipal prosecutor, court reporter employed by a
26 court, court administrator, clerk or deputy clerk of the court, or
27 public defender, while such statewide elected official, judge or



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

41 (2) A person is guilty of aggravated assault if he (a)
42 attempts to cause serious bodily injury to another, or causes such
43 injury purposely, knowingly or recklessly under circumstances
44 manifesting extreme indifference to the value of human life; or
45 (b) attempts to cause or purposely or knowingly causes bodily
46 injury to another with a deadly weapon or other means likely to
47 produce death or serious bodily harm; and, upon conviction, he
48 shall be punished by imprisonment in the county jail for not more
49 than one (1) year or in the Penitentiary for not more than twenty
50 (20) years. Provided, however, a person convicted of aggravated
51 assault (a) upon a statewide elected official, law enforcement
52 officer, fireman, emergency medical personnel, public health
53 personnel, social worker employed by the Department of Human
54 Services or another agency, superintendent, principal, teacher or
55 other instructional personnel, school attendance officer, school
56 bus driver, or a judge of a circuit, chancery, county, municipal,
57 justice or youth court or a judge of the Court of Appeals or a
58 justice of the Supreme Court, district attorney, legal assistant
59 to a district attorney, county prosecutor, municipal prosecutor,
60 court reporter employed by a court, court administrator, clerk or



61 deputy clerk of the court, or public defender, while such
62 statewide elected official, judge or justice, law enforcement
63 officer, fireman, emergency medical personnel, public health
64 personnel, social worker, superintendent, principal, teacher or
65 other instructional personnel, school attendance officer, school
66 bus driver, district attorney, legal assistant to a district
67 attorney, county prosecutor, municipal prosecutor, court reporter
68 employed by a court, court administrator, clerk or deputy clerk of
69 the court, or public defender is acting within the scope of his
70 duty, office or employment, or (b) upon a legislator while the
71 Legislature is in regular or extraordinary session or while
72 otherwise acting within the scope of his duty, office or
73 employment, shall be punished by a fine of not more than Five
74 Thousand Dollars (\$5,000.00) or by imprisonment for not more than
75 thirty (30) years, or both.

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

89 (4) A person is guilty of aggravated domestic violence who
90 commits aggravated assault as described in subsection (2) of this
91 section against a family or household member who resides with the
92 defendant or who formerly resided with the defendant, or a current
93 or former spouse, a person who has a current dating relationship



94 with the defendant, or a person with whom the defendant has had a
95 biological or legally adopted child and upon conviction, the
96 defendant shall be punished as provided under subsection (2) of
97 this section; provided, that upon a third or subsequent offense of
98 aggravated domestic violence, whether against the same or another
99 victim and within five (5) years, the defendant shall be guilty of
100 a felony and sentenced to a term of imprisonment of not less than
101 five (5) nor more than twenty (20) years. Reasonable discipline
102 of a child, such as spanking, is not an offense under this
103 subsection (4).

104 (5) "Dating relationship" means a social relationship of a
105 romantic or intimate nature.

106 (6) Every conviction of domestic violence may require as a
107 condition of any suspended sentence that the defendant participate
108 in counseling or treatment to bring about the cessation of
109 domestic abuse. The defendant may be required to pay all or part
110 of the cost of the counseling or treatment, in the discretion of
111 the court.

112 (7) In any conviction of assault as described in any
113 subsection of this section which arises from an incident of
114 domestic violence, the sentencing order shall include the
115 designation "domestic violence."

116 **SECTION 2.** This act shall take effect and be in force from
117 and after July 1, 2002.

