

By: Senator(s) Williamson, Tollison

To: Judiciary

SENATE BILL NO. 2407

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 SEPARATELY PENALIZE THE CRIMINAL OFFENSE OF ASSAULT OF A SPORTS
3 OFFICIAL; 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) A person is guilty of simple assault if he
8 (i) attempts to cause or purposely, knowingly or recklessly causes
9 bodily injury to another; or (ii) negligently causes bodily injury
10 to another with a deadly weapon or other means likely to produce
11 death or serious bodily harm; or (iii) attempts by physical menace
12 to put another in fear of imminent serious bodily harm.

13 (b) (i) Except as otherwise provided in this paragraph
14 (b), a person convicted of simple assault shall be punished by a
15 fine of not more than Five Hundred Dollars (\$500.00) or by
16 imprisonment in the county jail for not more than six (6) months,
17 or both.

18 (ii) * * * A person convicted of simple
19 assault * * * upon a statewide elected official, law enforcement
20 officer, fireman, emergency medical personnel, public health
21 personnel, superintendent, principal, teacher or other
22 instructional personnel and school attendance officers or school
23 bus driver while such statewide elected official, law enforcement
24 officer, fireman, emergency medical personnel, public health
25 personnel, superintendent, principal, teacher or other
26 instructional personnel and school attendance officers or school
27 bus driver is acting within the scope of his duty, office or



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

32 (iii) Any person who assaults any sports official
33 at any level of competition within the confines or immediate
34 vicinity of the athletic facility at which the athletic contest in
35 which a sports official was an active participant shall be guilty
36 of a felony which shall be punished by a fine of Ten Thousand
37 Dollars (\$10,000.00) or imprisonment of not more than three (3)
38 years, or both.

39 (2) (a) A person is guilty of aggravated assault if he (i)
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 (ii) 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.

46 (b) (i) Except as otherwise provided in this paragraph
47 (b), a person convicted of aggravated assault shall be punished by
48 imprisonment in the county jail for not more than one (1) year or
49 in the penitentiary for not more than twenty (20) years.

50 (ii) * * * A person convicted of aggravated
51 assault * * * upon a statewide elected official, law enforcement
52 officer, fireman, emergency medical personnel, public health
53 personnel, superintendent, principal, teacher or other
54 instructional personnel and school attendance officers or school
55 bus driver while such statewide elected official, law enforcement
56 officer, fireman, emergency medical personnel, public health
57 personnel, superintendent, principal, teacher or other
58 instructional personnel and school attendance officers or school
59 bus driver is acting within the scope of his duty, office or
60 employment, or * * * upon a legislator while the Legislature is in



61 regular or extraordinary session shall be punished by a fine of
62 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
63 for not more than thirty (30) years, or both.

64 (iii) A person convicted of aggravated assault
65 against any sports official at any level of competition within the
66 confines or immediate vicinity of the athletic facility at which
67 the athletic contest in which a sports official was an active
68 participant shall be guilty of a felony which shall be punished by
69 a fine of Ten Thousand Dollars (\$10,000.00) or imprisonment of not
70 more than thirty (30) years, or both.

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

83 (4) A person is guilty of aggravated domestic violence who
84 commits aggravated assault as described in subsection (2) of this
85 section against a family or household member who resides with the
86 defendant or who formerly resided with the defendant, or a current
87 or former spouse, or a person with whom the defendant has had a
88 biological or legally adopted child and upon conviction, the
89 defendant shall be punished as provided under subsection (2) of
90 this section; provided, that upon a third or subsequent offense of
91 aggravated domestic violence, whether against the same or another
92 victim and within five (5) years, the defendant shall be guilty of
93 a felony and sentenced to a term of imprisonment of not less than



94 five (5) nor more than twenty (20) years. Reasonable discipline
95 of a child, such as spanking, is not an offense under this
96 subsection (4).

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

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

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

