

By: Senator(s) Williamson, Hyde-Smith,
Dearing

To: Judiciary

SENATE BILL NO. 2508

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 assault upon a
19 statewide elected official, law enforcement officer, fireman,
20 emergency medical personnel, public health personnel, social
21 worker employed by the Department of Human Services or another
22 agency, superintendent, principal, teacher or other instructional
23 personnel, school attendance officer, school bus driver, or a
24 judge of a circuit, chancery, county, justice or youth court or a
25 judge of the Court of Appeals or a justice of the Supreme Court,
26 district attorney, legal assistant to a district attorney, county
27 prosecutor, municipal prosecutor, court reporter employed by a



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

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

50 (2) (a) A person is guilty of aggravated assault if he (i)
51 attempts to cause serious bodily injury to another, or causes such
52 injury purposely, knowingly or recklessly under circumstances
53 manifesting extreme indifference to the value of human life; or
54 (ii) attempts to cause or purposely or knowingly causes bodily
55 injury to another with a deadly weapon or other means likely to
56 produce death or serious bodily harm.

57 (b) (i) Except as otherwise provided in this paragraph
58 (b), a person convicted of aggravated assault * * * shall be
59 punished by imprisonment in the county jail for not more than one



60 (1) year or in the Penitentiary for not more than twenty (20)
61 years.

62 (ii) * * * A person convicted of aggravated
63 assault upon a statewide elected official, law enforcement
64 officer, fireman, emergency medical personnel, public health
65 personnel, social worker employed by the Department of Human
66 Services or another agency, superintendent, principal, teacher or
67 other instructional personnel, school attendance officer, school
68 bus driver, or a judge of a circuit, chancery, county, justice or
69 youth court or a judge of the Court of Appeals or a justice of the
70 Supreme Court, district attorney, legal assistant to a district
71 attorney, county prosecutor, municipal prosecutor, court reporter
72 employed by a court, court administrator, clerk or deputy clerk of
73 the court, or public defender, while such statewide elected
74 official, judge or justice, law enforcement officer, fireman,
75 emergency medical personnel, public health personnel, social
76 worker, superintendent, principal, teacher or other instructional
77 personnel, school attendance officer, school bus driver, district
78 attorney, legal assistant to a district attorney, county
79 prosecutor, municipal prosecutor, court reporter employed by a
80 court, court administrator, clerk or deputy clerk of the court, or
81 public defender is acting within the scope of his duty, office or
82 employment, or * * * upon a legislator while the Legislature is in
83 regular or extraordinary session or while otherwise acting within
84 the scope of his duty, office or employment, shall be punished by
85 a fine of not more than Five Thousand Dollars (\$5,000.00) or by
86 imprisonment for not more than thirty (30) years, or both.

87 (iii) A person convicted of aggravated assault
88 against any sports official at any level of competition within the
89 confines or immediate vicinity of the athletic facility at which
90 the athletic contest in which a sports official was an active
91 participant shall be guilty of a felony which shall be punished by



92 a fine of Ten Thousand Dollars (\$10,000.00) or imprisonment of not
93 more than thirty (30) years, or both.

94 (3) A person is guilty of simple domestic violence who
95 commits simple assault as described in subsection (1) of this
96 section against a family or household member who resides with the
97 defendant or who formerly resided with the defendant, a current or
98 former spouse, a person who has a current dating relationship with
99 the defendant, or a person with whom the defendant has had a
100 biological or legally adopted child and upon conviction, the
101 defendant shall be punished as provided under subsection (1) of
102 this section; provided, that upon a third or subsequent conviction
103 of simple domestic violence, whether against the same or another
104 victim and within five (5) years, the defendant shall be guilty of
105 a felony and sentenced to a term of imprisonment not less than
106 five (5) nor more than ten (10) years. In sentencing, the court
107 shall consider as an aggravating factor whether the crime was
108 committed in the physical presence or hearing of a child under
109 sixteen (16) years of age who was, at the time of the offense,
110 living within either the residence of the victim, the residence of
111 the perpetrator, or the residence where the offense occurred.

112 (4) A person is guilty of aggravated domestic violence who
113 commits aggravated assault as described in subsection (2) of this
114 section against a family or household member who resides with the
115 defendant or who formerly resided with the defendant, or a current
116 or former spouse, a person who has a current dating relationship
117 with the defendant, or a person with whom the defendant has had a
118 biological or legally adopted child and upon conviction, the
119 defendant shall be punished as provided under subsection (2) of
120 this section; provided, that upon a third or subsequent offense of
121 aggravated domestic violence, whether against the same or another
122 victim and within five (5) years, the defendant shall be guilty of
123 a felony and sentenced to a term of imprisonment of not less than
124 five (5) nor more than twenty (20) years. In sentencing, the



125 court shall consider as an aggravating factor whether the crime
126 was committed in the physical presence or hearing of a child under
127 sixteen (16) years of age who was, at the time of the offense,
128 living within either the residence of the victim, the residence of
129 the perpetrator, or the residence where the offense occurred.
130 Reasonable discipline of a child, such as spanking, is not an
131 offense under this subsection (4).

132 (5) "Dating relationship" means a social relationship of a
133 romantic or intimate nature.

134 (6) Every conviction of domestic violence may require as a
135 condition of any suspended sentence that the defendant participate
136 in counseling or treatment to bring about the cessation of
137 domestic abuse. The defendant may be required to pay all or part
138 of the cost of the counseling or treatment, in the discretion of
139 the court.

140 (7) In any conviction of assault as described in any
141 subsection of this section which arises from an incident of
142 domestic violence, the sentencing order shall include the
143 designation "domestic violence."

144 **SECTION 2.** This act shall take effect and be in force from
145 and after July 1, 2003.

