MISSISSIPPI LEGISLATURE                          REGULAR SESSION 2003
By: Senator(s) Williamson, Hyde-Smith,            To: Judiciary
    Dearing

SENATE BILL NO. 2508

AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
SEPARATELY PENALIZE THE CRIMINAL OFFENSE OF ASSAULT OF A SPORTS
OFFICIAL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI

SECTION 1. Section 97-3-7, Mississippi Code of 1972, is
amended as follows:

97-3-7. (1) (a) A person is guilty of simple assault if he
(attempts to cause or purposely, knowingly or recklessly causes
bodily injury to another; or (ii) negligently causes bodily injury
to another with a deadly weapon or other means likely to produce
death or serious bodily harm; or (iii) attempts by physical menace
to put another in fear of imminent serious bodily harm._
(b) (i) Except as otherwise provided in this paragraph
(b), a person convicted of simple assault shall be punished by a
fine of not more than Five Hundred Dollars ($500.00) or by
imprisonment in the county jail for not more than six (6) months,
or both • • •.
(ii) A person convicted of simple assault upon a
statewide elected official, law enforcement officer, fireman,
emergency medical personnel, public health personnel, social
worker employed by the Department of Human Services or another
agency, superintendent, principal, teacher or other instructional
personnel, school attendance officer, school bus driver, or a
judge of a circuit, chancery, county, justice or youth court or a
judge of the Court of Appeals or a justice of the Supreme Court,
district attorney, legal assistant to a district attorney, county
prosecutor, municipal prosecutor, court reporter employed by a
court, court administrator, clerk or deputy clerk of the court, or
public defender, while such statewide elected official, judge or
justice, law enforcement officer, fireman, emergency medical
personnel, public health personnel, social worker, superintendent,
principal, teacher or other instructional personnel, school
attendance officer, school bus driver, district attorney, legal
assistant to a district attorney, county prosecutor, municipal
prosecutor, court reporter employed by a court, court
administrator, clerk or deputy clerk of the court, or public
defender is acting within the scope of his duty, office or
employment, or ** upon a legislator while the Legislature is in
regular or extraordinary session or while otherwise acting within
the scope of his duty, office or employment, shall be punished by
a fine of not more than One Thousand Dollars ($1,000.00) or by
imprisonment for not more than five (5) years, or both.

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

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

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

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

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

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

(4) A person is guilty of aggravated domestic violence who
commits aggravated assault as described in subsection (2) of this
section against a family or household member who resides with the
defendant or who formerly resided with the defendant, or a current
or former spouse, a person who has a current dating relationship
with the defendant, or a person with whom the defendant has had a
biological or legally adopted child and upon conviction, the
defendant shall be punished as provided under subsection (2) of
this section; provided, that upon a third or subsequent offense of
aggravated domestic violence, whether against the same or another
victim and within five (5) years, the defendant shall be guilty of
a felony and sentenced to a term of imprisonment of not less than
five (5) nor more than twenty (20) years. In sentencing, the
court shall consider as an aggravating factor whether the crime
was committed in the physical presence or hearing of a child under
sixteen (16) years of age who was, at the time of the offense,
living within either the residence of the victim, the residence of
the perpetrator, or the residence where the offense occurred.
Reasonable discipline of a child, such as spanking, is not an
offense under this subsection (4).

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

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

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

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