

## Senate Amendments to House Bill No. 1307

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

7           **SECTION 1.** Section 97-3-7, Mississippi Code of 1972, is  
8 amended as follows:  
9           97-3-7. (1) A person is guilty of simple assault if he (a)  
10 attempts to cause or purposely, knowingly or recklessly causes  
11 bodily injury to another; or (b) negligently causes bodily injury  
12 to another with a deadly weapon or other means likely to produce  
13 death or serious bodily harm; or (c) attempts by physical menace  
14 to put another in fear of imminent serious bodily harm; and, upon  
15 conviction, he shall be punished by a fine of not more than Five  
16 Hundred Dollars (\$500.00) or by imprisonment in the county jail  
17 for not more than six (6) months, or both. However, a person  
18 convicted of simple assault (a) upon a statewide elected official,  
19 law enforcement officer, fireman, emergency medical personnel,  
20 public health personnel, social worker or child protection  
21 specialist employed by the Department of Human Services or another  
22 agency, youth detention center personnel, any county or municipal  
23 jail officer, superintendent, principal, teacher or other  
24 instructional personnel, school attendance officer, school bus  
25 driver, or a judge of a circuit, chancery, county, justice,  
26 municipal or youth court or a judge of the Court of Appeals or a  
27 justice of the Supreme Court, district attorney, legal assistant  
28 to a district attorney, county prosecutor, municipal prosecutor,  
29 court reporter employed by a court, court administrator, clerk or  
30 deputy clerk of the court, or public defender, while such  
31 statewide elected official, judge or justice, law enforcement  
32 officer, fireman, emergency medical personnel, public health

33 personnel, social worker, child protection specialist, youth  
34 detention center personnel, any county or municipal jail officer,  
35 superintendent, principal, teacher or other instructional  
36 personnel, school attendance officer, school bus driver, district  
37 attorney, legal assistant to a district attorney, county  
38 prosecutor, municipal prosecutor, court reporter employed by a  
39 court, court administrator, clerk or deputy clerk of the court, or  
40 public defender is acting within the scope of his duty, office or  
41 employment, or (b) upon a legislator while the Legislature is in  
42 regular or extraordinary session or while otherwise acting within  
43 the scope of his duty, office or employment, shall be punished by  
44 a fine of not more than One Thousand Dollars (\$1,000.00) or by  
45 imprisonment for not more than five (5) years, or both.

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

68 the court, or public defender, while such statewide elected  
69 official, judge or justice, law enforcement officer, fireman,  
70 emergency medical personnel, public health personnel, social  
71 worker, child protection specialist, youth detention center  
72 personnel, any county or municipal jail officer, principal,  
73 teacher or other instructional personnel, school attendance  
74 officer, school bus driver, district attorney, legal assistant to  
75 a district attorney, county prosecutor, municipal prosecutor,  
76 court reporter employed by a court, court administrator, clerk or  
77 deputy clerk of the court, or public defender is acting within the  
78 scope of his duty, office or employment, or (b) upon a legislator  
79 while the Legislature is in regular or extraordinary session or  
80 while otherwise acting within the scope of his duty, office or  
81 employment, shall be punished by a fine of not more than Five  
82 Thousand Dollars (\$5,000.00) or by imprisonment for not more than  
83 thirty (30) years, or both.

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

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

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

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

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

134           **SECTION 2.** Section 43-1-55, Mississippi Code of 1972, is  
135 amended as follows:

136           43-1-55. (1) The Office of Family and Children's Services  
137 shall devise formal social worker standards for employment and  
138 service delivery designed to measure the quality of services  
139 delivered to clients, as well as the timeliness of services. Each  
140 social worker shall be assessed annually by a supervisor who is  
141 knowledgeable in the standards promulgated. The standards shall  
142 be applicable to all social workers working under the office.

143           (2) The Office of Family and Children's Services shall  
144 devise formal standards for child protection specialists of the  
145 Department of Human Services who are not licensed social workers.  
146 Those standards shall require that:

147           (a) In order to be employed as a child protection  
148 specialist, a person must have a bachelor's degree in either  
149 psychology, sociology, nursing, criminal justice or a related  
150 field, or a graduate degree in either law, psychology, sociology,  
151 nursing, criminal justice or a related field. The determination  
152 of what is a related field shall be made by certification of the  
153 State Personnel Board; and

154           (b) Before a person may provide services as a child  
155 protection specialist, the person shall complete four (4) weeks of  
156 intensive training provided by the training unit of the Office of  
157 Family and Children's Services, and shall take and receive a  
158 passing score on the certification test administered by the  
159 training unit upon completion of the four-week training. Upon  
160 receiving a passing score on the certification test, the person  
161 shall be certified as a child protection specialist by the  
162 Department of Human Services. Any person who does not receive a  
163 passing score on the certification test shall not be employed or  
164 maintain employment as a child protection specialist for the  
165 department. Further, a person, qualified as a child protection  
166 specialist through the procedures set forth above, shall not  
167 conduct forensic interviews of children until the specialist  
168 receives additional specialized training in child forensic  
169 interview protocols and techniques by a course or curriculum

170 approved by the Department of Human Services to be not less than  
171 forty (40) hours.

172 (3) For the purpose of providing services in child abuse or  
173 neglect cases, youth court proceedings, vulnerable adults cases,  
174 and such other cases as designated by the Executive Director of  
175 Human Services, the caseworker or service provider may be a child  
176 protection specialist whose work is overseen by a licensed social  
177 worker.

178 (4) The Department of Human Services and the Office of  
179 Family and Children's Services shall seek to employ and use  
180 licensed social workers to provide the services of the office, and  
181 may employ and use child protection specialists to provide those  
182 services only in counties in which there is not a sufficient  
183 number of licensed social workers to adequately provide those  
184 services in the county.

185 (5) This section and Sections 43-21-261, 43-21-353,  
186 43-21-355, 43-21-603, 43-27-109, 43-47-7 and 93-21-23 \* \* \* shall  
187 stand repealed on July 1, 2007.

188 **SECTION 3.** This act shall take effect and be in force from  
189 and after July 1, 2006.

**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 MUNICIPAL COURT JUDGES IN THE ENHANCED PROVISIONS OF THE  
3 AGGRAVATED ASSAULT STATUTE; TO AMEND SECTION 43-1-55, MISSISSIPPI  
4 CODE OF 1972, TO REMOVE THE REPEALER ON THE ASSAULT STATUTE; AND  
5 FOR RELATED PURPOSES.

SS01\HB1307PS.J

John O. Gilbert  
Secretary of the Senate