

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1307

BY: Committee

**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 official, superintendent, principal,
23 teacher or other instructional personnel, school attendance
24 officer, school bus driver, or a judge of a circuit, chancery,
25 county, justice, municipal or youth court or a judge of the Court

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

45 (2) A person is guilty of aggravated assault if he (a)
46 attempts to cause serious bodily injury to another, or causes such
47 injury purposely, knowingly or recklessly under circumstances
48 manifesting extreme indifference to the value of human life; or
49 (b) attempts to cause or purposely or knowingly causes bodily
50 injury to another with a deadly weapon or other means likely to
51 produce death or serious bodily harm; and, upon conviction, he
52 shall be punished by imprisonment in the county jail for not more
53 than one (1) year or in the Penitentiary for not more than twenty
54 (20) years. However, a person convicted of aggravated assault (a)
55 upon a statewide elected official, law enforcement officer,
56 fireman, emergency medical personnel, public health personnel,
57 social worker or child protection specialist employed by the

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

82 (3) A person is guilty of simple domestic violence who
83 commits simple assault as described in subsection (1) of this
84 section against a family or household member who resides with the
85 defendant or who formerly resided with the defendant, a current or
86 former spouse, a person who has a current dating relationship with
87 the defendant, 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 (1) of

90 this section; however, upon a third or subsequent conviction of
91 simple 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 not less than
94 five (5) nor more than ten (10) years. In sentencing, the court
95 shall consider as an aggravating factor whether the crime was
96 committed in the physical presence or hearing of a child under
97 sixteen (16) years of age who was, at the time of the offense,
98 living within either the residence of the victim, the residence of
99 the perpetrator, or the residence where the offense occurred.

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

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

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

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

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

134 43-1-55. (1) The Office of Family and Children's Services
135 shall devise formal social worker standards for employment and
136 service delivery designed to measure the quality of services
137 delivered to clients, as well as the timeliness of services. Each
138 social worker shall be assessed annually by a supervisor who is
139 knowledgeable in the standards promulgated. The standards shall
140 be applicable to all social workers working under the office.

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

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

152 (b) Before a person may provide services as a child
153 protection specialist, the person shall complete four (4) weeks of

154 intensive training provided by the training unit of the Office of
155 Family and Children's Services, and shall take and receive a
156 passing score on the certification test administered by the
157 training unit upon completion of the four-week training. Upon
158 receiving a passing score on the certification test, the person
159 shall be certified as a child protection specialist by the
160 Department of Human Services. Any person who does not receive a
161 passing score on the certification test shall not be employed or
162 maintain employment as a child protection specialist for the
163 department. Further, a person, qualified as a child protection
164 specialist through the procedures set forth above, shall not
165 conduct forensic interviews of children until the specialist
166 receives additional specialized training in child forensic
167 interview protocols and techniques by a course or curriculum
168 approved by the Department of Human Services to be not less than
169 forty (40) hours.

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

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

183 (5) This section and Sections 43-21-261, 43-21-353,
184 43-21-355, 43-21-603, 43-27-109, 43-47-7 and 93-21-23 * * * shall
185 stand repealed on July 1, 2007.

186 **SECTION 3.** This act shall take effect and be in force from
187 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.