

By: Representative Reynolds

To: Judiciary B

HOUSE BILL NO. 686

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE CRIME OF SIMPLE ASSAULT BY INCLUDING INDECENT TOUCHING;  
3 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 or she (i) attempts to cause or purposely, knowingly or recklessly  
9 causes bodily injury to another; (ii) negligently causes bodily  
10 injury to another with a deadly weapon or other means likely to  
11 produce death or serious bodily harm; \* \* \* (iii) attempts by  
12 physical menace to put another in fear of imminent serious bodily  
13 harm or (iv) the person intentionally touches an intimate part of  
14 another person for the purpose of sexual arousal, sexual  
15 gratification or sexual abuse, while the person is unlawfully  
16 restrained by another person against his or her will while he or  
17 she is unconscious, incapacitated or unlawfully coerced; and, upon  
18 conviction, he or she shall be punished by a fine of not more than



19 Five Hundred Dollars (\$500.00) or by imprisonment in the county  
20 jail for not more than six (6) months, or both.

21 (b) However, a person convicted of simple assault upon  
22 any of the persons listed in subsection (14) of this section under  
23 the circumstances enumerated in subsection (14) shall be punished  
24 by a fine of not more than One Thousand Dollars (\$1,000.00) or by  
25 imprisonment for not more than five (5) years, or both.

26 (2) (a) A person is guilty of aggravated assault if he or  
27 she (i) attempts to cause serious bodily injury to another, or  
28 causes such injury purposely, knowingly or recklessly under  
29 circumstances manifesting extreme indifference to the value of  
30 human life; (ii) attempts to cause or purposely or knowingly  
31 causes bodily injury to another with a deadly weapon or other  
32 means likely to produce death or serious bodily harm; or (iii)  
33 causes any injury to a child who is in the process of boarding or  
34 exiting a school bus in the course of a violation of Section  
35 63-3-615; and, upon conviction, he or she shall be punished by  
36 imprisonment in the county jail for not more than one (1) year or  
37 sentenced to the custody of the Department of Corrections for not  
38 more than twenty (20) years.

39 (b) However, a person convicted of aggravated assault  
40 upon any of the persons listed in subsection (14) of this section  
41 under the circumstances enumerated in subsection (14) shall be  
42 punished by a fine of not more than Five Thousand Dollars



43 (\$5,000.00) or by imprisonment for not more than thirty (30)  
44 years, or both.

45 (3) (a) When the offense is committed against a current or  
46 former spouse of the defendant or a child of that person, a person  
47 living as a spouse or who formerly lived as a spouse with the  
48 defendant or a child of that person, a parent, grandparent, child,  
49 grandchild or someone similarly situated to the defendant, a  
50 person who has a current or former dating relationship with the  
51 defendant, or a person with whom the defendant has had a  
52 biological or legally adopted child, a person is guilty of simple  
53 domestic violence who:

54 (i) Attempts to cause or purposely, knowingly or  
55 recklessly causes bodily injury to another;

56 (ii) Negligently causes bodily injury to another  
57 with a deadly weapon or other means likely to produce death or  
58 serious bodily harm; or

59 (iii) Attempts by physical menace to put another  
60 in fear of imminent serious bodily harm.

61 Upon conviction, the defendant shall be punished by a fine of  
62 not more than Five Hundred Dollars (\$500.00) or by imprisonment in  
63 the county jail for not more than six (6) months, or both.

64 (b) **Simple domestic violence: third.** A person is  
65 guilty of the felony of simple domestic violence third who commits  
66 simple domestic violence as defined in this subsection (3) and  
67 who, at the time of the commission of the offense in question, has



68 two (2) prior convictions, whether against the same or another  
69 victim, within seven (7) years, for any combination of simple  
70 domestic violence under this subsection (3) or aggravated domestic  
71 violence as defined in subsection (4) of this section or  
72 substantially similar offenses under the law of another state, of  
73 the United States, or of a federally recognized Native American  
74 tribe. Upon conviction, the defendant shall be sentenced to a  
75 term of imprisonment not less than five (5) nor more than ten (10)  
76 years.

77 (4) (a) When the offense is committed against a current or  
78 former spouse of the defendant or a child of that person, a person  
79 living as a spouse or who formerly lived as a spouse with the  
80 defendant or a child of that person, a parent, grandparent, child,  
81 grandchild or someone similarly situated to the defendant, a  
82 person who has a current or former dating relationship with the  
83 defendant, or a person with whom the defendant has had a  
84 biological or legally adopted child, a person is guilty of  
85 aggravated domestic violence who:

86 (i) Attempts to cause serious bodily injury to  
87 another, or causes such an injury purposely, knowingly or  
88 recklessly under circumstances manifesting extreme indifference to  
89 the value of human life;

90 (ii) Attempts to cause or purposely or knowingly  
91 causes bodily injury to another with a deadly weapon or other  
92 means likely to produce death or serious bodily harm; or



93 (iii) Strangles, or attempts to strangle another.

94 Upon conviction, the defendant shall be punished by  
95 imprisonment in the custody of the Department of Corrections for  
96 not less than two (2) nor more than twenty (20) years.

97 (b) **Aggravated domestic violence; third.** A person is  
98 guilty of aggravated domestic violence third who, at the time of  
99 the commission of that offense, commits aggravated domestic  
100 violence as defined in this subsection (4) and who has two (2)  
101 prior convictions within the past seven (7) years, whether against  
102 the same or another victim, for any combination of aggravated  
103 domestic violence under this subsection (4) or simple domestic  
104 violence third as defined in subsection (3) of this section, or  
105 substantially similar offenses under the laws of another state, of  
106 the United States, or of a federally recognized Native American  
107 tribe. Upon conviction for aggravated domestic violence third,  
108 the defendant shall be sentenced to a term of imprisonment of not  
109 less than ten (10) nor more than twenty (20) years.

110 (5) **Sentencing for fourth or subsequent domestic violence**  
111 **offense.** Any person who commits an offense defined in subsection  
112 (3) or (4) of this section, and who, at the time of the commission  
113 of that offense, has at least three (3) previous convictions,  
114 whether against the same or different victims, for any combination  
115 of offenses defined in subsections (3) and (4) of this section or  
116 substantially similar offenses under the law of another state, of  
117 the United States, or of a federally recognized Native American



118 tribe, shall, upon conviction, be sentenced to imprisonment for  
119 not less than fifteen (15) years nor more than twenty (20) years.

120 (6) In sentencing under subsections (3), (4) and (5) of this  
121 section, the court shall consider as an aggravating factor whether  
122 the crime was committed in the physical presence or hearing of a  
123 child under sixteen (16) years of age who was, at the time of the  
124 offense, living within either the residence of the victim, the  
125 residence of the perpetrator, or the residence where the offense  
126 occurred.

127 (7) Reasonable discipline of a child, such as spanking, is  
128 not an offense under subsections (3) and (4) of this section.

129 (8) A person convicted under subsection (4) or (5) of this  
130 section shall not be eligible for parole under the provisions of  
131 Section 47-7-3(1)(c) until he or she shall have served one (1)  
132 year of his or her sentence.

133 (9) For the purposes of this section:

134 (a) "Strangle" means to restrict the flow of oxygen or  
135 blood by intentionally applying pressure on the neck, throat or  
136 chest of another person by any means or to intentionally block the  
137 nose or mouth of another person by any means.

138 (b) "Dating relationship" means a social relationship  
139 as defined in Section 93-21-3.

140 (10) Every conviction under subsection (3), (4) or (5) of  
141 this section may require as a condition of any suspended sentence  
142 that the defendant participate in counseling or treatment to bring



143 about the cessation of domestic abuse. The defendant may be  
144 required to pay all or part of the cost of the counseling or  
145 treatment, in the discretion of the court.

146 (11) (a) Upon conviction under subsection (3), (4) or (5)  
147 of this section, the court shall be empowered to issue a criminal  
148 protection order prohibiting the defendant from any contact with  
149 the victim. The court may include in a criminal protection order  
150 any other condition available under Section 93-21-15. The  
151 duration of a criminal protection order shall be based upon the  
152 seriousness of the facts before the court, the probability of  
153 future violations, and the continued safety of the victim or  
154 another person. However, municipal and justice courts may issue  
155 criminal protection orders for a maximum period of time not to  
156 exceed one (1) year. Circuit and county courts may issue a  
157 criminal protection order for any period of time deemed necessary.  
158 Upon issuance of a criminal protection order, the clerk of the  
159 issuing court shall enter the order in the Mississippi Protection  
160 Order Registry within twenty-four (24) hours of issuance with no  
161 exceptions for weekends or holidays, pursuant to Section 93-21-25.

162 (b) A criminal protection order shall not be issued  
163 against the defendant if the victim of the offense, or the  
164 victim's lawful representative where the victim is a minor or  
165 incompetent person, objects to its issuance, except in  
166 circumstances where the court, in its discretion, finds that a



167 criminal protection order is necessary for the safety and  
168 well-being of a victim who is a minor child or incompetent adult.

169 (c) Criminal protection orders shall be issued on the  
170 standardized form developed by the Office of the Attorney General  
171 and a copy provided to both the victim and the defendant.

172 (d) It shall be a misdemeanor to knowingly violate any  
173 condition of a criminal protection order. Upon conviction for a  
174 violation, the defendant shall be punished by a fine of not more  
175 than Five Hundred Dollars (\$500.00) or by imprisonment in the  
176 county jail for not more than six (6) months, or both.

177 (12) When investigating allegations of a violation of  
178 subsection (3), (4), (5) or (11) of this section, whether or not  
179 an arrest results, law enforcement officers shall utilize the form  
180 prescribed for such purposes by the Office of the Attorney General  
181 in consultation with the sheriff's and police chief's  
182 associations. However, failure of law enforcement to utilize the  
183 uniform offense report shall not be a defense to a crime charged  
184 under this section. The uniform offense report shall not be  
185 required if, upon investigation, the offense does not involve  
186 persons in the relationships specified in subsections (3) and (4)  
187 of this section.

188 (13) In any conviction under subsection (3), (4), (5) or  
189 (11) of this section, the sentencing order shall include the  
190 designation "domestic violence." The court clerk shall enter the



191 disposition of the matter into the corresponding uniform offense  
192 report.

193 (14) Assault upon any of the following listed persons is an  
194 aggravating circumstance for charging under subsections (1)(b) and  
195 (2)(b) of this section:

196 (a) When acting within the scope of his or her duty,  
197 office or employment at the time of the assault: a statewide  
198 elected official; law enforcement officer; fireman; emergency  
199 medical personnel; health care provider; employees of a health  
200 care provider or health care facility; social worker, family  
201 protection specialist or family protection worker employed by the  
202 Department of Human Services or another agency; Division of Youth  
203 Services personnel; any county or municipal jail officer;  
204 superintendent, principal, teacher or other instructional  
205 personnel, school attendance officer or school bus driver; any  
206 member of the Mississippi National Guard or United States Armed  
207 Forces; a judge of a circuit, chancery, county, justice, municipal  
208 or youth court or a judge of the Court of Appeals or a justice of  
209 the Supreme Court; district attorney or legal assistant to a  
210 district attorney; county prosecutor or municipal prosecutor;  
211 court reporter employed by a court, court administrator, clerk or  
212 deputy clerk of the court; public defender; or utility worker;

213 (b) A legislator while the Legislature is in regular or  
214 extraordinary session or while otherwise acting within the scope  
215 of his or her duty, office or employment; or



216 (c) A person who is sixty-five (65) years of age or  
217 older or a person who is a vulnerable person, as defined in  
218 Section 43-47-5.

219 **SECTION 2.** This act shall take effect and be in force from  
220 and after July 1, 2023.

