

By: Representative Thompson

To: Judiciary B

## HOUSE BILL NO. 7

1 AN ACT TO AMEND SECTION 63-3-615, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PROVISIONS OF LAW THAT REGULATE AUTOMOBILE DRIVERS  
3 WHEN A CHILD IS EXITING OR BOARDING A SCHOOL BUS; TO AMEND SECTION  
4 97-3-7, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR A  
5 PERSON CONVICTED OF INJURING A CHILD WHILE THE CHILD IS EXITING A  
6 SCHOOL BUS; TO PROVIDE THAT THE NEW PROVISIONS SHALL BE NAMED THE  
7 "AMIYA BRAXTON AMENDMENT"; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 63-3-615, Mississippi Code of 1972, is  
10 amended as follows:

11 63-3-615. (1) (a) The driver of a vehicle upon a street or  
12 highway upon meeting or overtaking any school bus that has stopped  
13 on the street or highway for the purpose of receiving or  
14 discharging any school children shall come to a complete stop at  
15 least ten (10) feet from the school bus before reaching the school  
16 bus when there is in operation on the school bus the flashing red  
17 lights provided in Section 63-7-23, or when a retractable,  
18 hand-operated stop sign is extended; the driver shall not proceed  
19 or deviate from the roadway, street or highway until the children  
20 have crossed the street or highway and the school bus has resumed



21 motion or the flashing red lights are no longer actuated and the  
22 hand-operated stop sign is retracted.

23 (b) The driver of a vehicle upon a divided highway that  
24 has four (4) lanes or more and permits at least two (2) lanes of  
25 traffic to travel in opposite directions need not stop upon  
26 meeting or passing a school bus that is stopped in the opposing  
27 roadway, or if the school bus is stopped in a loading zone that is  
28 a part of or adjacent to the highway and where pedestrians are not  
29 permitted to cross the roadway.

30 (2) (a) Except as provided in paragraph (b), any person  
31 violating the provisions of subsection (1) of this section shall  
32 be guilty of a misdemeanor and upon a first conviction thereof  
33 shall be fined not less than Three Hundred Fifty Dollars (\$350.00)  
34 nor more than Seven Hundred Fifty Dollars (\$750.00), or imprisoned  
35 for not more than one (1) year, or both. For a second or  
36 subsequent offense, the offenses being committed within a period  
37 of five (5) years, the person shall be guilty of a misdemeanor  
38 and, upon conviction, shall be fined not less than Seven Hundred  
39 Fifty Dollars (\$750.00) nor more than One Thousand Five Hundred  
40 Dollars (\$1,500.00), or imprisoned for not more than one (1) year,  
41 or both. In addition, the Commissioner of Public Safety or his  
42 duly authorized designee, after conviction for a second or  
43 subsequent offense and upon receipt of the court abstract, shall  
44 suspend the driver's license and driving privileges of the person  
45 for a period of ninety (90) days.



(b) A conviction under this section for a violation resulting in any injury or death to a child who is in the process of boarding or exiting a school bus shall be a violation of Section 97-3-7, and a violator shall be punished under subsection (2) of that section.

(3) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four (4) inches in height.

(4) If any person witnesses the driver of any vehicle violating the provisions of this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be a rebuttable inference that the person in whose name the vehicle is registered committed the violation. If charges are filed against multiple owners of a motor vehicle, only one (1) of the owners may be convicted and court costs may be assessed against only one (1) of the owners. If the vehicle that is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference of guilt by providing the law enforcement officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.

**SECTION 2.** 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 or she (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (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; and, upon conviction, he or she 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.

(b) However, a person convicted of simple assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) 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.

(2) (a) A person is guilty of aggravated assault if he or she (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; (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; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not \* \* \* less than \* \* \* five



96 (5) years or sentenced to the custody of the Department of  
97 Corrections for not more than twenty (20) years. The provisions  
98 of this subsection shall be known and may be cited as the "Amiya  
99 Braxton Amendment".

100 (b) However, a person convicted of aggravated assault  
101 upon any of the persons listed in subsection (14) of this section  
102 under the circumstances enumerated in subsection (14) shall be  
103 punished by a fine of not more than Five Thousand Dollars  
104 (\$5,000.00) or by imprisonment for not more than thirty (30)  
105 years, or both.

106 (3) (a) When the offense is committed against a current or  
107 former spouse of the defendant or a child of that person, a person  
108 living as a spouse or who formerly lived as a spouse with the  
109 defendant or a child of that person, a parent, grandparent, child,  
110 grandchild or someone similarly situated to the defendant, a  
111 person who has a current or former dating relationship with the  
112 defendant, or a person with whom the defendant has had a  
113 biological or legally adopted child, a person is guilty of simple  
114 domestic violence who:

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

117 (ii) Negligently causes bodily injury to another  
118 with a deadly weapon or other means likely to produce death or  
119 serious bodily harm; or



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

Upon conviction, the defendant 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.

(b) **Simple domestic violence: third.** A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.

(4) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a



biological or legally adopted child, a person is guilty of aggravated domestic violence who:

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

(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; or

(iii) Strangles, or attempts to strangle another.

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

(b) **Aggravated domestic violence; third.** A person is guilty of aggravated domestic violence third who, at the time of the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple domestic violence third as defined in subsection (3) of this section, or substantially similar offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third,



the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.

(5) **Sentencing for fourth or subsequent domestic violence offense.** Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.

(6) In sentencing under subsections (3), (4) and (5) of this section, 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.

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

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





194 (9) For the purposes of this section:

195 (a) "Strangle" means to restrict the flow of oxygen or  
196 blood by intentionally applying pressure on the neck, throat or  
197 chest of another person by any means or to intentionally block the  
198 nose or mouth of another person by any means.

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

201 (10) Every conviction under subsection (3), (4) or (5) of  
202 this section may require as a condition of any suspended sentence  
203 that the defendant participate in counseling or treatment to bring  
204 about the cessation of domestic abuse. The defendant may be  
205 required to pay all or part of the cost of the counseling or  
206 treatment, in the discretion of the court.

207 (11) (a) Upon conviction under subsection (3), (4) or (5)  
208 of this section, the court shall be empowered to issue a criminal  
209 protection order prohibiting the defendant from any contact with  
210 the victim. The court may include in a criminal protection order  
211 any other condition available under Section 93-21-15. The  
212 duration of a criminal protection order shall be based upon the  
213 seriousness of the facts before the court, the probability of  
214 future violations, and the continued safety of the victim or  
215 another person. However, municipal and justice courts may issue  
216 criminal protection orders for a maximum period of time not to  
217 exceed one (1) year. Circuit and county courts may issue a  
218 criminal protection order for any period of time deemed necessary.



219 Upon issuance of a criminal protection order, the clerk of the  
220 issuing court shall enter the order in the Mississippi Protection  
221 Order Registry within twenty-four (24) hours of issuance with no  
222 exceptions for weekends or holidays, pursuant to Section 93-21-25.

223 (b) A criminal protection order shall not be issued  
224 against the defendant if the victim of the offense, or the  
225 victim's lawful representative where the victim is a minor or  
226 incompetent person, objects to its issuance, except in  
227 circumstances where the court, in its discretion, finds that a  
228 criminal protection order is necessary for the safety and  
229 well-being of a victim who is a minor child or incompetent adult.

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

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

238 (12) When investigating allegations of a violation of  
239 subsection (3), (4), (5) or (11) of this section, whether or not  
240 an arrest results, law enforcement officers shall utilize the form  
241 prescribed for such purposes by the Office of the Attorney General  
242 in consultation with the sheriff's and police chief's  
243 associations. However, failure of law enforcement to utilize the



uniform offense report shall not be a defense to a crime charged under this section. The uniform offense report shall not be required if, upon investigation, the offense does not involve persons in the relationships specified in subsections (3) and (4) of this section.

(13) In any conviction under subsection (3), (4), (5) or (11) of this section, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.

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

(a) When acting within the scope of his or her duty, office or employment at the time of the assault: a statewide elected official; law enforcement officer; fireman; emergency medical personnel; health care provider; employees of a health care provider or health care facility; social worker, family protection specialist or family protection worker employed by the Department of Human Services or another agency; Division of Youth Services personnel; any county or municipal jail officer; superintendent, principal, teacher or other instructional personnel, school attendance officer or school bus driver; any member of the Mississippi National Guard or United States Armed Forces; a judge of a circuit, chancery, county, justice, municipal



or youth court or a judge of the Court of Appeals or a justice of the Supreme Court; district attorney or legal assistant to a district attorney; county prosecutor or municipal prosecutor; court reporter employed by a court, court administrator, clerk or deputy clerk of the court; public defender; or utility worker;

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

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

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2025.

