

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.



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

69 **SECTION 2.** Section 97-3-7, Mississippi Code of 1972, is
70 amended as follows:



71 97-3-7. (1) (a) A person is guilty of simple assault if he
72 or she (i) attempts to cause or purposely, knowingly or recklessly
73 causes bodily injury to another; (ii) negligently causes bodily
74 injury to another with a deadly weapon or other means likely to
75 produce death or serious bodily harm; or (iii) attempts by
76 physical menace to put another in fear of imminent serious bodily
77 harm; and, upon conviction, he or she shall be punished by a fine
78 of not more than Five Hundred Dollars (\$500.00) or by imprisonment
79 in the county jail for not more than six (6) months, or both.

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

85 (2) (a) A person is guilty of aggravated assault if he or
86 she (i) attempts to cause serious bodily injury to another, or
87 causes such injury purposely, knowingly or recklessly under
88 circumstances manifesting extreme indifference to the value of
89 human life; (ii) attempts to cause or purposely or knowingly
90 causes bodily injury to another with a deadly weapon or other
91 means likely to produce death or serious bodily harm; or (iii)
92 causes any injury to a child who is in the process of boarding or
93 exiting a school bus in the course of a violation of Section
94 63-3-615; and, upon conviction, he or she shall be punished by
95 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



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

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

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

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



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

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

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.



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

171 (5) **Sentencing for fourth or subsequent domestic violence**

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

181 (6) In sentencing under subsections (3), (4) and (5) of this
182 section, the court shall consider as an aggravating factor whether
183 the crime was committed in the physical presence or hearing of a
184 child under sixteen (16) years of age who was, at the time of the
185 offense, living within either the residence of the victim, the
186 residence of the perpetrator, or the residence where the offense
187 occurred.

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

190 (8) A person convicted under subsection (4) or (5) of this
191 section shall not be eligible for parole under the provisions of
192 Section 47-7-3(1)(c) until he or she shall have served one (1)
193 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



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

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

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

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



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

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

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

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

