

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2459

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE OFFENSE OF DOMESTIC VIOLENCE; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 97-3-7, Mississippi Code of 1972, is  
5 amended as follows:

6 97-3-7. (1) A person is guilty of simple assault if he (a)  
7 attempts to cause or purposely, knowingly or recklessly causes  
8 bodily injury to another; or (b) negligently causes bodily injury  
9 to another with a deadly weapon or other means likely to produce  
10 death or serious bodily harm; or (c) attempts by physical menace  
11 to put another in fear of imminent serious bodily harm; and, upon  
12 conviction, he shall be punished by a fine of not more than Five  
13 Hundred Dollars (\$500.00) or by imprisonment in the county jail  
14 for not more than six (6) months, or both. Provided, however, a  
15 person convicted of simple assault (a) upon a statewide elected  
16 official, law enforcement officer, fireman, emergency medical  
17 personnel, public health personnel, superintendent, principal,  
18 teacher or other instructional personnel and school attendance  
19 officers or school bus driver while such statewide elected  
20 official, law enforcement officer, fireman, emergency medical  
21 personnel, public health personnel, superintendent, principal,  
22 teacher or other instructional personnel and school attendance  
23 officers or school bus driver is acting within the scope of his  
24 duty, office or employment, or (b) upon a legislator while the  
25 Legislature is in regular or extraordinary session shall be  
26 punished by a fine of not more than One Thousand Dollars

27 (\$1,000.00) or by imprisonment for not more than five (5) years,  
28 or both.

29 (2) A person is guilty of aggravated assault if he (a)  
30 attempts to cause serious bodily injury to another, or causes such  
31 injury purposely, knowingly or recklessly under circumstances  
32 manifesting extreme indifference to the value of human life; or  
33 (b) attempts to cause or purposely or knowingly causes bodily  
34 injury to another with a deadly weapon or other means likely to  
35 produce death or serious bodily harm; and, upon conviction, he  
36 shall be punished by imprisonment in the county jail for not more  
37 than one (1) year or in the penitentiary for not more than twenty  
38 (20) years. Provided, however, a person convicted of aggravated  
39 assault (a) upon a statewide elected official, law enforcement  
40 officer, fireman, emergency medical personnel, public health  
41 personnel, superintendent, principal, teacher or other  
42 instructional personnel and school attendance officers or school  
43 bus driver while such statewide elected official, law enforcement  
44 officer, fireman, emergency medical personnel, public health  
45 personnel, superintendent, principal, teacher or other  
46 instructional personnel and school attendance officers or school  
47 bus driver is acting within the scope of his duty, office or  
48 employment, or (b) upon a legislator while the Legislature is in  
49 regular or extraordinary session shall be punished by a fine of  
50 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment  
51 for not more than thirty (30) years, or both.

52 (3) A person is guilty of simple domestic violence who  
53 commits simple assault as described in subsection (1) of this  
54 section against a family or household member who resides with the  
55 defendant or who formerly resided with the defendant, and, upon  
56 conviction, the defendant shall be punished as provided under  
57 subsection (1) \* \* \* of this section; provided, that upon a third  
58 or subsequent conviction of simple \* \* \* domestic violence,  
59 whether against the same or another victim and within five (5)  
60 years, the defendant shall be guilty of a felony and sentenced to  
61 a term of imprisonment not less than five (5) nor more than ten  
62 (10) years.

63 (4) A person is guilty of aggravated domestic violence who

64 commits aggravated assault as described in subsection (2) of this  
65 section against a family or household member who resides with the  
66 defendant or who formerly resided with the defendant, and upon  
67 conviction, the defendant shall be punished as provided under  
68 subsection (2) of this section; provided that upon a third or  
69 subsequent offense of aggravated \* \* \* domestic violence, whether  
70 against the same or another victim and within five (5) years, the  
71 defendant shall be guilty of a felony and sentenced to a term of  
72 imprisonment of not less than five (5) nor more than twenty (20)  
73 years. Reasonable discipline of a child, such as spanking, is not  
74 an offense under this subsection (3). \* \* \*

75 (5) In any conviction of assault as described in any  
76 subsection of this section which arises from an incidence of  
77 domestic violence, the sentencing order shall include the  
78 designation "domestic violence."

79 SECTION 2. This act shall take effect and be in force from  
80 and after July 1, 1999.