

By: Furniss

To: Judiciary

SENATE BILL NO. 3086

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE SIMPLE AND AGGRAVATED ASSAULT; 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:[CSQ1]

6 97-3-7. (1) (a) Except as provided in subsection
7 (2)(a)(ii) of this section, a person is guilty of simple assault
8 if he (i) attempts to cause or purposely, knowingly or recklessly
9 causes bodily injury to another; or (ii) negligently causes bodily
10 injury to another with a deadly weapon or other means likely to
11 produce death or serious bodily harm; or (iii) attempts by
12 physical menace to put another in fear of imminent serious bodily
13 harm; and, upon conviction, he shall be punished by a fine of not
14 more than Five Hundred Dollars (\$500.00) or by imprisonment in the
15 county jail for not more than six (6) months, or both.

16 (b) Provided, however, a person convicted of simple
17 assault (i) upon a statewide elected official, law enforcement
18 officer, fireman, emergency medical personnel, public health
19 personnel, superintendent, principal, teacher or other
20 instructional personnel and school attendance officers or school
21 bus driver while such statewide elected official, law enforcement
22 officer, fireman, emergency medical personnel, public health
23 personnel, superintendent, principal, teacher or other
24 instructional personnel and school attendance officers or school
25 bus driver is acting within the scope of his duty, office or
26 employment, or (ii) upon a legislator while the Legislature is in

27 regular or extraordinary session shall be punished by a fine of
28 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
29 for not more than five (5) years, or both.

30 (2) (a) A person is guilty of aggravated assault if he (i)
31 attempts to cause serious bodily injury to another, or causes such
32 injury purposely, knowingly or recklessly under circumstances
33 manifesting extreme indifference to the value of human life; or
34 (ii) attempts to cause or purposely or knowingly causes any bodily
35 injury to another with a deadly weapon or other means likely to
36 produce death or serious bodily harm; and, upon conviction, he
37 shall be punished by imprisonment in the county jail for not more
38 than one (1) year or in the penitentiary for not more than twenty
39 (20) years.

40 (b) Provided, however, a person convicted of aggravated
41 assault (i) upon a statewide elected official, law enforcement
42 officer, fireman, emergency medical personnel, public health
43 personnel, superintendent, principal, teacher or other
44 instructional personnel and school attendance officers or school
45 bus driver while such statewide elected official, law enforcement
46 officer, fireman, emergency medical personnel, public health
47 personnel, superintendent, principal, teacher or other
48 instructional personnel and school attendance officers or school
49 bus driver is acting within the scope of his duty, office or
50 employment, or (ii) upon a legislator while the Legislature is in
51 regular or extraordinary session shall be punished by a fine of
52 not more than Five Thousand Dollars (\$5,000.00) or by imprisonment
53 for not more than thirty (30) years, or both.

54 (3) A person is guilty of simple domestic violence who
55 commits simple assault as described in subsection (1) of this
56 section against a family or household member who resides with the
57 defendant or who formerly resided with the defendant, or against a
58 person with whom the defendant has had a child, and upon
59 conviction, the defendant shall be punished as provided under
60 subsection (1) of this section; provided, that upon a third or
61 subsequent conviction of simple domestic violence, whether against
62 the same or another victim and within five (5) years, the
63 defendant shall be guilty of a felony and sentenced to a term of

64 imprisonment not less than five (5) nor more than ten (10) years.

65 (4) A person is guilty of aggravated domestic violence who
66 commits aggravated assault as described in subsection (2) of this
67 section against a family or household member who resides with the
68 defendant or who formerly resided with the defendant, or against a
69 person with whom the defendant has had a child, and upon
70 conviction, the defendant shall be punished as provided under
71 subsection (2) of this section; provided, that upon a third or
72 subsequent offense of aggravated domestic violence, whether
73 against the same or another victim and within five (5) years, the
74 defendant shall be guilty of a felony and sentenced to a term of
75 imprisonment of not less than five (5) nor more than twenty (20)
76 years. Reasonable discipline of a child, such as spanking, is not
77 an offense under this subsection (4).

78 (5) Every conviction of domestic violence may require as a
79 condition of any suspended sentence that the defendant participate
80 in counseling or treatment to bring about the cessation of
81 domestic abuse. The defendant may be required to pay all or part
82 of the cost of the counseling or treatment, in the discretion of
83 the court.

84 (6) In any conviction of assault as described in any
85 subsection of this section which arises from an incident of
86 domestic violence, the sentencing order shall include the
87 designation "domestic violence."

88 SECTION 2. This act shall take effect and be in force from
89 and after July 1, 2000.