

By: Representative Moody

To: Judiciary B

HOUSE BILL NO. 1421

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO  
2 PRESCRIBE CRIMINAL PENALTIES FOR SIMPLE AND AGGRAVATED ASSAULT  
3 AGAINST A SOCIAL WORKER EMPLOYED BY THE DEPARTMENT OF HUMAN  
4 SERVICES OR ANOTHER AGENCY; AND FOR RELATED PURPOSES.

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

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

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

28 upon a legislator while the Legislature is in regular or  
29 extraordinary session shall be punished by a fine of not more than  
30 One Thousand Dollars (\$1,000.00) or by imprisonment for not more  
31 than five (5) years, or both.

32 (2) A person is guilty of aggravated assault if he (a)  
33 attempts to cause serious bodily injury to another, or causes such  
34 injury purposely, knowingly or recklessly under circumstances  
35 manifesting extreme indifference to the value of human life; or  
36 (b) attempts to cause or purposely or knowingly causes bodily  
37 injury to another with a deadly weapon or other means likely to  
38 produce death or serious bodily harm; and, upon conviction, he  
39 shall be punished by imprisonment in the county jail for not more  
40 than one (1) year or in the penitentiary for not more than twenty  
41 (20) years. Provided, however, a person convicted of aggravated  
42 assault (a) upon a statewide elected official, law enforcement  
43 officer, fireman, emergency medical personnel, public health  
44 personnel, social worker employed by the Department of Human  
45 Services or another agency, superintendent, principal, teacher or  
46 other instructional personnel and school attendance officers or  
47 school bus driver while such statewide elected official, law  
48 enforcement officer, fireman, emergency medical personnel, public  
49 health personnel, social worker, superintendent, principal,  
50 teacher or other instructional personnel and school attendance  
51 officers or school bus driver is acting within the scope of his  
52 duty, office or employment, or (b) upon a legislator while the  
53 Legislature is in regular or extraordinary session shall be  
54 punished by a fine of not more than Five Thousand Dollars  
55 (\$5,000.00) or by imprisonment for not more than thirty (30)  
56 years, or both.

57 (3) A person is guilty of simple domestic violence who  
58 commits simple assault as described in subsection (1) of this  
59 section against a family or household member who resides with the  
60 defendant or who formerly resided with the defendant, a current or

61 former spouse, or a person with whom the defendant has had a  
62 biological or legally adopted child and upon conviction, the  
63 defendant shall be punished as provided under subsection (1) of  
64 this section; provided, that upon a third or subsequent conviction  
65 of simple domestic violence, whether against the same or another  
66 victim and within five (5) years, the defendant shall be guilty of  
67 a felony and sentenced to a term of imprisonment not less than  
68 five (5) nor more than ten (10) years.

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

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

89 (6) In any conviction of assault as described in any  
90 subsection of this section which arises from an incident of  
91 domestic violence, the sentencing order shall include the  
92 designation "domestic violence."

93           SECTION 2. This act shall take effect and be in force from  
94 and after July 1, 2001.