

By: Representatives Whittington, Watson,
McBride, Brown, Barnett (116th), Eads,
Fredericks

To: Judiciary B

HOUSE BILL NO. 983

1 AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT EVERY CONVICTION OF DOMESTIC VIOLENCE MAY REQUIRE AS
3 A CONDITION OF A SUSPENDED SENTENCE THAT THE DEFENDANT PARTICIPATE
4 IN A PROGRAM DESIGNED TO BRING ABOUT THE CESSATION OF DOMESTIC
5 ABUSE WHICH IS OPERATED BY OR WITH THE ENDORSEMENT OF THE LOCAL
6 DOMESTIC VIOLENCE PROGRAM OR SHELTER; TO PROVIDE THAT ALL
7 CONVICTIONS OF SIMPLE OR AGGRAVATED DOMESTIC VIOLENCE SHALL BE
8 REPORTED BY THE COURT TO THE OFFICE OF THE MISSISSIPPI ATTORNEY
9 GENERAL ON A MONTHLY BASIS; AND FOR RELATED PURPOSES.

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

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

13 97-3-7. (1) A person is guilty of simple assault if he (a)
14 attempts to cause or purposely, knowingly or recklessly causes
15 bodily injury to another; or (b) negligently causes bodily injury
16 to another with a deadly weapon or other means likely to produce
17 death or serious bodily harm; or (c) attempts by physical menace
18 to put another in fear of imminent serious bodily harm; and, upon
19 conviction, he shall be punished by a fine of not more than Five
20 Hundred Dollars (\$500.00) or by imprisonment in the county jail
21 for not more than six (6) months, or both. Provided, however, a
22 person convicted of simple assault (a) upon a statewide elected
23 official, law enforcement officer, fireman, emergency medical
24 personnel, public health personnel, social worker employed by the
25 Department of Human Services or another agency, superintendent,
26 principal, teacher or other instructional personnel, school
27 attendance officer, school bus driver, or a judge of a circuit,
28 chancery, county, justice or youth court or a judge of the Court
29 of Appeals or a justice of the Supreme Court, district attorney,
30 legal assistant to a district attorney, county prosecutor,



31 municipal prosecutor, court reporter employed by a court, court
32 administrator, clerk or deputy clerk of the court, or public
33 defender, while such statewide elected official, judge or justice,
34 law enforcement officer, fireman, emergency medical personnel,
35 public health personnel, social worker, superintendent, principal,
36 teacher or other instructional personnel, school attendance
37 officer, school bus driver, district attorney, legal assistant to
38 a district attorney, county prosecutor, municipal prosecutor,
39 court reporter employed by a court, court administrator, clerk or
40 deputy clerk of the court, or public defender is acting within the
41 scope of his duty, office or employment, or (b) upon a legislator
42 while the Legislature is in regular or extraordinary session or
43 while otherwise acting within the scope of his duty, office or
44 employment, shall be punished by a fine of not more than One
45 Thousand Dollars (\$1,000.00) or by imprisonment for not more than
46 five (5) years, or both.

47 (2) A person is guilty of aggravated assault if he (a)
48 attempts to cause serious bodily injury to another, or causes such
49 injury purposely, knowingly or recklessly under circumstances
50 manifesting extreme indifference to the value of human life; or
51 (b) attempts to cause or purposely or knowingly causes bodily
52 injury to another with a deadly weapon or other means likely to
53 produce death or serious bodily harm; and, upon conviction, he
54 shall be punished by imprisonment in the county jail for not more
55 than one (1) year or in the Penitentiary for not more than twenty
56 (20) years. Provided, however, a person convicted of aggravated
57 assault (a) upon a statewide elected official, law enforcement
58 officer, fireman, emergency medical personnel, public health
59 personnel, social worker employed by the Department of Human
60 Services or another agency, superintendent, principal, teacher or
61 other instructional personnel, school attendance officer, school
62 bus driver, or a judge of a circuit, chancery, county, justice or
63 youth court or a judge of the Court of Appeals or a justice of the



64 Supreme Court, district attorney, legal assistant to a district
65 attorney, county prosecutor, municipal prosecutor, court reporter
66 employed by a court, court administrator, clerk or deputy clerk of
67 the court, or public defender, while such statewide elected
68 official, judge or justice, law enforcement officer, fireman,
69 emergency medical personnel, public health personnel, social
70 worker, superintendent, principal, teacher or other instructional
71 personnel, school attendance officer, school bus driver, district
72 attorney, legal assistant to a district attorney, county
73 prosecutor, municipal prosecutor, court reporter employed by a
74 court, court administrator, clerk or deputy clerk of the court, or
75 public defender is acting within the scope of his duty, office or
76 employment, or (b) upon a legislator while the Legislature is in
77 regular or extraordinary session or while otherwise acting within
78 the scope of his duty, office or employment, shall be punished by
79 a fine of not more than Five Thousand Dollars (\$5,000.00) or by
80 imprisonment for not more than thirty (30) years, or both.

81 (3) A person is guilty of simple domestic violence who
82 commits simple assault as described in subsection (1) of this
83 section against a family or household member who resides with the
84 defendant or who formerly resided with the defendant, a current or
85 former spouse, a person who has a current dating relationship with
86 the defendant, or a person with whom the defendant has had a
87 biological or legally adopted child and upon conviction, the
88 defendant shall be punished as provided under subsection (1) of
89 this section; provided, that upon a third or subsequent conviction
90 of simple domestic violence, whether against the same or another
91 victim and within five (5) years, the defendant shall be guilty of
92 a felony and sentenced to a term of imprisonment not less than
93 five (5) nor more than ten (10) years. In sentencing, the court
94 shall consider as an aggravating factor whether the crime was
95 committed in the physical presence or hearing of a child under
96 sixteen (16) years of age who was, at the time of the offense,



97 living within either the residence of the victim, the residence of
98 the perpetrator, or the residence where the offense occurred.

99 (4) A person is guilty of aggravated domestic violence who
100 commits aggravated assault as described in subsection (2) of this
101 section against a family or household member who resides with the
102 defendant or who formerly resided with the defendant, or a current
103 or former spouse, a person who has a current dating relationship
104 with the defendant, or a person with whom the defendant has had a
105 biological or legally adopted child and upon conviction, the
106 defendant shall be punished as provided under subsection (2) of
107 this section; provided, that upon a third or subsequent offense of
108 aggravated domestic violence, whether against the same or another
109 victim and within five (5) years, the defendant shall be guilty of
110 a felony and sentenced to a term of imprisonment of not less than
111 five (5) nor more than twenty (20) years. In sentencing, the
112 court shall consider as an aggravating factor whether the crime
113 was committed in the physical presence or hearing of a child under
114 sixteen (16) years of age who was, at the time of the offense,
115 living within either the residence of the victim, the residence of
116 the perpetrator, or the residence where the offense occurred.
117 Reasonable discipline of a child, such as spanking, is not an
118 offense under this subsection (4).

119 (5) "Dating relationship" means a social relationship of a
120 romantic or intimate nature.

121 (6) Every conviction of domestic violence may require as a
122 condition of any suspended sentence that the defendant participate
123 in a program designed to bring about the cessation of domestic
124 abuse which is operated by or with the endorsement of the local
125 domestic violence program or shelter. The defendant may be
126 required to pay all or part of the cost of the counseling or
127 treatment, in the discretion of the court.

128 (7) In any conviction of assault as described in any
129 subsection of this section which arises from an incident of



130 domestic violence, the sentencing order shall include the
131 designation "domestic violence." All convictions of simple or
132 aggravated domestic violence shall be reported to the Office of
133 the Mississippi Attorney General by each court on a monthly basis,
134 no later than the fifteenth day of the succeeding month.

135 **SECTION 2.** This act shall take effect and be in force from
136 and after July 1, 2003.

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