



State Statutes: Misdemeanor Crimes of Domestic Violence

Revised 2015

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| STATE | STATUTE WITH CITATION |
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| <p>ALABAMA</p> | <p>Code of Ala. § 13A-6-132 (2015) Domestic violence – Third degree</p> <p>(a) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the third degree is a Class A misdemeanor.</p> <p>(b) The minimum term of imprisonment imposed under subsection (a) shall be 30 days without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.</p> <p>(c) A second conviction under subsection (a) is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 10 days in a city or county jail or detention facility without consideration for any reduction in time.</p> <p>(d) A third or subsequent conviction under subsection (a) is a Class C felony.</p> <p>(e) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.</p> |
| <p>ALASKA</p> | <p>AS § 11.41.230 (2014) Assault in the fourth degree</p> <p>(a) A person commits the crime of assault in the fourth degree if</p> <ol style="list-style-type: none"> (1) that person recklessly causes physical injury to another person; (2) with criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or (3) by words or other conduct that person recklessly places another person in fear of imminent physical injury. <p>(b) Assault in the fourth degree is a class A misdemeanor.</p> <p>AS § 11.41.250 (2014) Reckless endangerment</p> |

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| | <p>(a) A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.</p> <p>(b) Reckless endangerment is a class A misdemeanor.</p> |
| <p>ARIZONA</p> | <p>A.R.S. § 13-1203 (2015) Assault; classification</p> <p>A. A person commits assault by:</p> <ol style="list-style-type: none"> 1. Intentionally, knowingly or recklessly causing any physical injury to another person; or 2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or 3. Knowingly touching another person with the intent to injure, insult or provoke such person. <p>B. Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor.</p> <p>A.R.S. § 13-3601 (2015) Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</p> <p>A. "Domestic violence" means any act that is a dangerous crime against children as defined in § 13-705 or an offense prescribed in § 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, § 13-2904, subsection A, paragraph 1, 2, 3 or 6, § 13-2910, subsection A, paragraph 8 or 9, § 13-2915, subsection A, paragraph 3 or § 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:</p> <ol style="list-style-type: none"> 1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household. 2. The victim and the defendant have a child in common. 3. The victim or the defendant is pregnant by the other party. 4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law. 5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant. 6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: <ol style="list-style-type: none"> (a) The type of relationship. (b) The length of the relationship. |

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| | <p>(c) The frequency of the interaction between the victim and the defendant. (d) If the relationship has terminated, the length of time since the termination.</p> |
| <p>ARKANSAS</p> | <p>A.C.A. § 5-26-305 (2015) Domestic battering in the third degree.</p> <p>(a) A person commits domestic battering in the third degree if:</p> <p>(1) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member;</p> <p>(2) The person recklessly causes physical injury to a family or household member;</p> <p>(3) The person negligently causes physical injury to a family or household member by means of a deadly weapon; or</p> <p>(4) The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance.</p> <p>(b)(1) Domestic battering in the third degree is a Class A misdemeanor.</p> <p>(2) However, domestic battering in the third degree is a Class D felony if:</p> <p>(A) Committed against a woman the person knew or should have known was pregnant;</p> <p>(B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree:</p> <p>(i) Domestic battering in the first degree, § 5-26-303;</p> <p>(ii) Domestic battering in the second degree, § 5-26-304;</p> <p>(iii) Domestic battering in the third degree;</p> <p>(iv) Aggravated assault on a family or household member, § 5-26-306; or</p> <p>(v) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or</p> <p>(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the third degree.</p> <p>A.C.A. § 5-26-307 (2015) First degree assault on a family or household member.</p> <p>(a) A person commits first degree assault on a family or household member if the person recklessly engages in conduct that creates a substantial risk of death or serious physical injury to a family or household member.</p> <p>(b) First degree assault on a family or household member is a Class A misdemeanor.</p> <p>A.C.A. § 5-26-308 (2015) Second degree assault on a family or household member.</p> |

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| | <p>(a) A person commits second degree assault on a family or household member if the person recklessly engages in conduct that creates a substantial risk of physical injury to a family or household member.</p> <p>(b) Second degree assault on a family or household member is a Class B misdemeanor.</p> <p>A.C.A. § 5-26-309 (2015) Third degree assault on a family or household member.</p> <p>(a) A person commits third degree assault on a family or household member if the person purposely creates apprehension of imminent physical injury to a family or household member.</p> <p>(b) Third degree assault on a family or household member is a Class C misdemeanor.</p> |
| <p>CALIFORNIA</p> | <p>Cal Pen Code § 243 (2015) Battery; punishment</p> <p>(e)(1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.</p> <p>(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:</p> <p>(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).</p> <p>(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.</p> <p>For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.</p> <p>(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision and sentenced under paragraph (1), the person shall be</p> |

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| | <p>imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.</p> <p>(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.</p> <p>(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.</p> |
| COLORADO | <p>C.R.S.A. § 18-3-204 (2014) § 18-3-204. Assault in the third degree</p> <p>(1) A person commits the crime of assault in the third degree if:</p> <p>(a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon; or</p> <p>(b) The person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.</p> <p>(3) Assault in the third degree is a class 1 misdemeanor and is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).</p> |
| CONNECTICUT | <p>C.G.S.A. § 53a-61 (2014) Assault in the third degree: Class A misdemeanor</p> <p>(a) A person is guilty of assault in the third degree when: (1) With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or (2) he recklessly causes serious physical injury to another person; or (3) with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon.</p> <p>(b) Assault in the third degree is a class A misdemeanor and any person found guilty under subdivision (3) of subsection (a) of this section shall be sentenced to a term of imprisonment of one year which may not be suspended or reduced.</p> <p>C.G.S.A. § 53a-61a (2014) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree: Class A misdemeanor: One year not suspendable</p> <p>(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree when such person commits assault in the third degree under section 53a-61 and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability.</p> |

(b) No person shall be found guilty of assault in the third degree and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability.

(d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree is a class A misdemeanor and any person found guilty under this section shall be sentenced to a term of imprisonment of one year which shall not be suspended or reduced.

C.G.S.A. § 53a-62 (2014)

Threatening in the second degree: Class A misdemeanor

(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) such person threatens to commit any crime of violence with the intent to terrorize another person, or (3) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror.

(b) Threatening in the second degree is a class A misdemeanor.

C.G.S.A. § 53a-63 (2014)

Reckless endangerment in the first degree: Class A misdemeanor

(a) A person is guilty of reckless endangerment in the first degree when, with extreme indifference to human life, he recklessly engages in conduct which creates a risk of serious physical injury to another person.

(b) Reckless endangerment in the first degree is a class A misdemeanor.

C.G.S.A. § 53a-64 (2014)

Reckless endangerment in the second degree: Class B misdemeanor

(a) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct which creates a risk of physical injury to another person.

(b) Reckless endangerment in the second degree is a class B misdemeanor.

C.G.S.A. § 53a-64cc (2014)

Strangulation in the third degree: Class A misdemeanor

(a) A person is guilty of strangulation in the third degree when such person recklessly restrains another person by the neck or throat and impedes the ability of such other person to breathe or restricts blood circulation of such other person.

(b) No person shall be found guilty of strangulation in the third degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

(c) Strangulation in the third degree is a class A misdemeanor.

C.G.S.A. § 53a-181d (2014)

Stalking in the second degree: Class A misdemeanor

(a) For the purposes of this section, "course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to, a person, or (2) interferes with a person's property.

(b) A person is guilty of stalking in the second degree when:

(1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person; or

(2) Such person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact at such other person's place of employment or business, provided the actor was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity.

(c) Stalking in the second degree is a class A misdemeanor.

C.G.S.A. § 53a-181e (2014)

Stalking in the third degree: Class B misdemeanor

(a) A person is guilty of stalking in the third degree when he recklessly causes another person to reasonably fear for his physical safety by wilfully and repeatedly following or lying in wait for such other person.

(b) Stalking in the third degree is a class B misdemeanor.

C.G.S.A. § 53a-183

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| | <p>Harassment in the second degree: Class C misdemeanor</p> <p>(a) A person is guilty of harassment in the second degree when: (1) By telephone, he addresses another in or uses indecent or obscene language; or (2) with intent to harass, annoy or alarm another person, he communicates with a person by telegraph or mail, by electronically transmitting a facsimile through connection with a telephone network, by computer network, as defined in section 53a-250, or by any other form of written communication, in a manner likely to cause annoyance or alarm; or (3) with intent to harass, annoy or alarm another person, he makes a telephone call, whether or not a conversation ensues, in a manner likely to cause annoyance or alarm.</p> <p>(b) For the purposes of this section, such offense may be deemed to have been committed either at the place where the communication originated or at the place where it was received.</p> <p>(c) The court may order any person convicted under this section to be examined by one or more psychiatrists.</p> <p>(d) Harassment in the second degree is a class C misdemeanor.</p> |
| <p>DELAWARE</p> | <p>Del. Code Ann. tit. 11 §3906 (2015) Domestic Violence Offenses</p> <p>The sentence for a second conviction for any crime or attempt to commit any crime hereinafter specifically named when such crime is committed by a member of the victim's family as defined by § 901(12) of Title 10, regardless of the state of residence of the parties; by a former spouse of the victim; by a person who cohabited with the victim at the time of the offense; or by a person with a child in common with the victim shall include completion of a psychosocial assessment. Such crimes shall be:</p> <p>(1) Any offense set forth in subchapter II of Chapter 5 of this title;</p> <p>(2) Any offense set forth in subparts A and B of subchapter III of Chapter 5 of this title;</p> <p>(3) Any offense set forth in subpart A of subchapter V of Chapter 5 of this title;</p> <p>(4) Any offense set forth in § 1301, § 1311, § 1312 or § 1312A of this title, administered by any agency or batterer's intervention treatment provider certified by the Domestic Violence Coordinating Council, and adherence to all recommendations made in the completed assessment. The court shall impose any other appropriate legal sanction, including fines or incarceration, along with the required completion of the assessment.</p> <p>Nothing in this section shall be construed to preclude a court from mandating this treatment in any first offense situation.</p> <p>The sentence for a second conviction for any crime or attempt to commit any crime hereinafter specifically named when such crime is committed by a member of the victim's family as defined by § 901(12) of Title 10, regardless of the state of residence of the parties; by a former spouse of the victim; by a person who cohabited with the victim at the time of the offense; or by a person with a child in common with the victim shall include completion of a psychosocial assessment. Such crimes shall be:</p> <p>(1) Any offense set forth in subchapter II of Chapter 5 of this title;</p> <p>(2) Any offense set forth in subparts A and B of subchapter III of Chapter 5 of this title;</p> <p>(3) Any offense set forth in subpart A of subchapter V of Chapter 5 of this title;</p> <p>(4) Any offense set forth in § 1301, § 1311, § 1312 or § 1312A of this title, administered by any agency or batterer's intervention treatment provider certified by the Domestic Violence Coordinating Council, and adherence to all recommendations made in the completed</p> |

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| | <p>assessment. The court shall impose any other appropriate legal sanction, including fines or incarceration, along with the required completion of the assessment.</p> <p>Nothing in this section shall be construed to preclude a court from mandating this treatment in any first offense situation.</p> |
| DISTRICT OF COLUMBIA | No statute. |
| FLORIDA | No statute. |
| GEORGIA | <p>O.C.G.A. § 16-5-20 (2014) Simple assault</p> <p>(a) A person commits the offense of simple assault when he or she either:</p> <p>(1) Attempts to commit a violent injury to the person of another; or</p> <p>(2) Commits an act which places another in reasonable apprehension of immediately receiving a violent injury.</p> <p>(d) If the offense of simple assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished for a misdemeanor of a high and aggravated nature. In no event shall this subsection be applicable to corporal punishment administered by a parent or guardian to a child or administered by a person acting in loco parentis.</p> <p>O.C.G.A. § 16-5-23 (2014) Simple battery</p> <p>(a) A person commits the offense of simple battery when he or she either:</p> <p>(1) Intentionally makes physical contact of an insulting or provoking nature with the person of another; or</p> <p>(2) Intentionally causes physical harm to another.</p> <p>(b) Except as otherwise provided in subsections (c) through (i) of this Code section, a person convicted of the offense of simple battery shall be punished as for a misdemeanor.</p> <p>(f) If the offense of simple battery is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished for a misdemeanor of a high and aggravated nature. In no event shall this subsection be applicable to corporal punishment administered by a parent or guardian to a child or administered by a person acting in loco parentis.</p> <p>O.C.G.A. § 16-5-23.1 (2014) Battery</p> <p>(a) A person commits the offense of battery when he or she intentionally causes substantial physical harm or visible bodily harm to another.</p> |

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| | <p>(b) As used in this Code section, the term “visible bodily harm” means bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts.</p> <p>(c) Except as provided in subsections (d) through (l) of this Code section, a person who commits the offense of battery is guilty of a misdemeanor.</p> <p>(f) If the offense of battery is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household, then such offense shall constitute the offense of family violence battery and shall be punished as follows:</p> <p>(1) Upon a first conviction of family violence battery, the defendant shall be guilty of and punished for a misdemeanor; and</p> <p>(2) Upon a second or subsequent conviction of family violence battery against the same or another victim, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years. In no event shall this subsection be applicable to reasonable corporal punishment administered by parent to child.</p> |
| GUAM | <p>9 GCA § 30.20 (2014) Family Violence.</p> <p>(a) Any person who intentionally, knowingly, or recklessly commits an act of family violence, as defined in § 30.10 of this Chapter, is guilty of a misdemeanor, or of a third degree felony, and shall be sentenced as follows:</p> <p>(1) for the first offense, the court shall impose a sentence of no less than forty-eight (48) hours imprisonment;</p> <p>(2) for the second offense, the court shall impose a sentence of no less than thirty (30) days imprisonment; and</p> <p>(3) for the third offense, the offense shall be classified as a third degree felony and the court shall impose a sentence of no less than one (1) year imprisonment. The person, upon conviction, shall be termed a “repeat offender” and may be subject to extended terms pursuant to § 80.38 of Article 2, Chapter 80 of this Title.</p> <p>9 GCA § 30.10 (2013) Definitions.</p> <p>As used in this Chapter:</p> <p>(a) Family violence means the occurrence of one (1) or more of the following acts by a family or household member, but does not include acts of self-defense or defense of others:</p> <p>(1) Attempting to cause or causing bodily injury to another family or household member;</p> <p>(2) Placing a family or household member in fear of bodily injury.</p> |
| HAWAII | <p>HRS § 586-11 (2015) § 586-11. Violation of an order for protection</p> <p>(a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or</p> |

intentionally violates the order for protection is guilty of a misdemeanor. A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:

(1) For a first conviction for violation of the order for protection:

(A) That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(2) For a second conviction for violation of the order for protection:

(A) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$250; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(B) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(C) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$250; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;

(3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

The court may suspend any jail sentence under subparagraphs (1)(A) and (2)(C), upon condition that the defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense. All remedies for the

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| | <p>enforcement of judgments shall apply to this chapter. (b) Any fines collected pursuant to subsection (a) shall be deposited into the spouse and child abuse special account established under section 601-3.6.</p> <p>HRS § 711-1106 (2015) § 711-1106. Harassment (1) A person commits the offense of harassment if, with intent to harass, annoy, or alarm any other person, that person: (a) Strikes, shoves, kicks, or otherwise touches another person in an offensive manner or subjects the other person to offensive physical contact; (b) Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response or that would cause the other person to reasonably believe that the actor intends to cause bodily injury to the recipient or another or damage to the property of the recipient or another; (c) Repeatedly makes telephone calls, facsimile transmissions, or any form of electronic communication as defined in section 711-1111(2), including electronic mail transmissions, without purpose of legitimate communication; (d) Repeatedly makes a communication anonymously or at an extremely inconvenient hour; (e) Repeatedly makes communications, after being advised by the person to whom the communication is directed that further communication is unwelcome; or (f) Makes a communication using offensively coarse language that would cause the recipient to reasonably believe that the actor intends to cause bodily injury to the recipient or another or damage to the property of the recipient or another. (2) Harassment is a petty misdemeanor.</p> <p>HRS § 707-712 (2015) § 707-712. Assault in the third degree (1) A person commits the offense of assault in the third degree if the person: (a) Intentionally, knowingly, or recklessly causes bodily injury to another person; or (b) Negligently causes bodily injury to another person with a dangerous instrument. (2) Assault in the third degree is a misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty misdemeanor.</p> |
| <p>IDAHO</p> | <p>Idaho Code § 18-918 (2015) Domestic violence</p> <p>(1) For the purpose of this section: (a) “Household member” means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.</p> |

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| | <p>(b) "Traumatic injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.</p> <p>(3)(a) A household member who commits an assault, as defined in section 18-901, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault.</p> <p>(b) A household member who commits a battery, as defined in section 18-903, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic battery.</p> <p>(c) A first conviction under this subsection (3) is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in a county jail not to exceed six (6) months, or both. Any person who pleads guilty to or is found guilty of a violation of this subsection (3) who previously has pled guilty to or been found guilty of a violation of this subsection (3), or of any substantially conforming foreign criminal violation, notwithstanding the form of the judgment or withheld judgment, within ten (10) years of the first conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not exceeding two thousand dollars (\$2,000) or by both fine and imprisonment. Any person who pleads guilty to or is found guilty of a violation of this subsection (3) who previously has pled guilty to or been found guilty of two (2) violations of this subsection (3), or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within fifteen (15) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000) or by both fine and imprisonment.</p> <p>(4) The maximum penalties provided in this section shall be doubled where the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.</p> <p>(5) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a felony violation of the provisions of this section or of any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who within fifteen (15) years pleads guilty to or is found guilty of any further violation of this section, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.</p> <p>(6) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.</p> |
| <p>ILLINOIS</p> | <p>720 ILCS 5/12-3.2 (2015) Domestic battery</p> <p>(a) A person commits domestic battery if he or she knowingly without legal justification by any means:</p> <p>(1) Causes bodily harm to any family or household member;</p> <p>(2) Makes physical contact of an insulting or provoking nature with any family or household member.</p> |

(b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for violation of an order of protection (Section 12-3.4 or 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member. Domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under this Code for domestic battery (Section 12-3.2), or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2), or 3 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior convictions under this Code for domestic battery (Section 12-3.2), or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence. (c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 18 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within or visiting the household of the defendant or victim.

(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation shall be made in the court file that the admonition was given.

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| <p>INDIANA</p> | <p>Burns Ind. Code Ann. § 35-42-2-1.3 (2014) Domestic Battery</p> <p>(a) A person who knowingly or intentionally touches an individual who: (1) is or was a spouse of the other person; (2) is or was living as if a spouse of the other person as provided in subsection (c); or (3) has a child in common with the other person;</p> <p>in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.</p> <p>(b) However, the offense under subsection (a) is a Level 6 felony if the person who committed the offense: (1) has a previous, unrelated conviction: (A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); or (B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or (2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense. (c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2), the court shall review: (1) the duration of the relationship; (2) the frequency of contact; (3) the financial interdependence; (4) whether the two (2) individuals are raising children together; (5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and (6) other factors the court considers relevant.</p> |
| <p>IOWA</p> | <p>Iowa Code § 708.2A (2014) Domestic abuse assault--mandatory minimums, penalties enhanced--extension of no-contact order</p> <p>1. For the purposes of this chapter, "domestic abuse assault" means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph "a", "b", "c", or "d".</p> <p>2. On a first offense of domestic abuse assault, the person commits:</p> <p>a. A simple misdemeanor for a domestic abuse assault, except as otherwise provided.</p> <p>b. A serious misdemeanor, if the domestic abuse assault causes bodily injury or mental illness.</p> <p>c. An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the</p> |

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| | <p>person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.</p> <p>d. An aggravated misdemeanor, if the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.</p> <p>3. Except as otherwise provided in subsection 2, on a second domestic abuse assault, a person commits:</p> <p>a. A serious misdemeanor, if the first offense was classified as a simple misdemeanor, and the second offense would otherwise be classified as a simple misdemeanor.</p> <p>b. An aggravated misdemeanor, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.</p> <p>6. a. A conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.</p> <p>b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or this section, which were issued on domestic abuse assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.</p> <p>c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.</p> |
| <p>KANSAS</p> | <p>K.S.A. § 21-5414 (2015) Domestic battery</p> <p>(a) Domestic battery is:</p> <p>(1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or</p> <p>(2) knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.</p> <p>(b) Domestic battery is:</p> <p>(1) Except as provided in subsection (b)(2) or (b)(3), a class B person misdemeanor and the offender shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program;</p> <p>(2) except as provided in subsection (b)(3), a class A person misdemeanor, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work</p> |

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| | <p>release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive days imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court or department of corrections; and</p> <p>(3) a person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time, and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The offender convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court or department of corrections. If the offender does not undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, the offender shall serve not less than 180 days nor more than one year's imprisonment. The 90 days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program.</p> |
| <p>KENTUCKY</p> | <p>KRS § 508.032 (2014) Assault of family member or member of an unmarried couple; enhancement of penalty.</p> <p>(1) If a person commits a third or subsequent offense of assault in the fourth degree under KRS 508.030 within five (5) years, and the relationship between the perpetrator and the victim in each of the offenses meets the definition of family member or member of an unmarried couple, as defined in KRS 403.720, then the person may be convicted of a Class D felony. If the Commonwealth desires to utilize the provisions of this section, the Commonwealth shall indict the defendant and the case shall be tried in the Circuit Court as a felony case. The jury, or judge if the trial is without a jury, may decline to assess a felony penalty in a case under this section and may convict the defendant of a misdemeanor. The victim in the second or subsequent offense is not required to be the same person who was assaulted in the prior offenses in order for the provisions of this section to apply.</p> <p>(2) In determining the five (5) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered by a court of competent jurisdiction.</p> <p>KRS § 508.030 (2014) 508.030. Assault in the fourth degree.</p> <p>(1) A person is guilty of assault in the fourth degree when:</p> <p>(a) He intentionally or wantonly causes physical injury to another person; or</p> <p>(b) With recklessness he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.</p> |

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| | (2) Assault in the fourth degree is a Class A misdemeanor. |
| LOUISIANA | <p>La. R.S. § 14:35.3 (2015) Domestic abuse battery</p> <p>A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member.</p> <p>C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:</p> <p>(1) The offender is placed on probation with a minimum condition that he serve four days in jail and participate in a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p> <p>(2) The offender is placed on probation with a minimum condition that he perform eight, eight-hour days of court-approved community service activities and participate in a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p> <p>D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to participate in a court-monitored domestic abuse intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:</p> <p>(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and participate in a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p> <p>(2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and participate in a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p> |
| MAINE | <p>17-A M.R.S. § 207-A (2015) Domestic violence assault</p> <p>1. A person is guilty of domestic violence assault if:</p> <p>A. The person violates section 207 and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or</p> <p>B. The person violates paragraph A and at the time of the offense:</p> <p>(1) Has one or more prior convictions for violating paragraph A or for violating section 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 209-A, 210-B, 210-C or 211-A in</p> |

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| | <p>another jurisdiction;</p> <p>(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or</p> <p>(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.</p> <p>Violation of this paragraph is a Class C crime.</p> <p>2. Section 9-A governs the use of prior convictions when determining a sentence.</p> |
| <p>MARYLAND</p> | <p>MD Code, Family Law, § 4-509 (2014)</p> <p>Penalties</p> <p>In general</p> <p>(a) A person who fails to comply with the relief granted in an interim protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:</p> <p>(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and</p> <p>(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.</p> <p>MD Code, Criminal Law, § 3-802 (2014)</p> <p>§ 3-802. Stalking</p> <p>“Stalking” defined</p> <p>(a) In this section, “stalking” means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:</p> <p>(1)(i) of serious bodily injury;</p> <p>(ii) of an assault in any degree;</p> <p>(iii) of rape or sexual offense as defined by §§ 3-303 through 3-308 of this title or attempted rape or sexual offense in any degree;</p> <p>(iv) of false imprisonment; or</p> <p>(v) of death; or</p> <p>(2) that a third person likely will suffer any of the acts listed in item (1) of this subsection.</p> <p>Scope of section</p> <p>(b) The provisions of this section do not apply to conduct that is:</p> <p>(1) performed to ensure compliance with a court order;</p> <p>(2) performed to carry out a specific lawful commercial purpose; or</p> <p>(3) authorized, required, or protected by local, State, or federal law.</p> |

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| | <p>Prohibited (c) A person may not engage in stalking. Penalty (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.</p> <p>MD Code, Criminal Law, § 3-203 (2015) § 3-203. Assault in the second degree</p> <p>(a) A person may not commit an assault. (b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both. (c)(1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries. (2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is: (i) a law enforcement officer engaged in the performance of the officer's official duties; (ii) a parole or probation agent engaged in the performance of the agent's official duties; or (iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services. (3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.</p> |
| MASSACHUSETTS | No statute. |
| MICHIGAN | <p>MCLS § 750.81 (2015) Assault and battery; penalties; domestic assault with prior convictions</p> <p>(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. (2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. (3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:</p> |

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| | <p>(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.</p> <p>(b) Section 81a, 82, 83, 84, or 86.</p> <p>(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.</p> |
| MINNESOTA | <p>Minn. Stat. § 609.2242 (2015) Domestic Assault</p> <p>Subdivision 1. Misdemeanor. Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor:</p> <p>(1) commits an act with intent to cause fear in another of immediate bodily harm or death; or</p> <p>(2) intentionally inflicts or attempts to inflict bodily harm upon another.</p> <p>Subd. 2. Gross misdemeanor. Whoever violates subdivision 1 within ten years of a previous qualified domestic violence-related offense conviction or an adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.</p> |
| MISSISSIPPI | <p>Miss. Code Ann. § 97-3-7 (2014) Simple and aggravated assault; simple and aggravated domestic violence</p> <p>(3)(a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:</p> <p>(i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;</p> <p>(ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or</p> <p>(iii) Attempts by physical menace to put another in fear of imminent serious bodily harm.</p> <p>Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.</p> <p>(b) Simple domestic violence: third. A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.</p> |

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| <p>MISSOURI</p> | <p>565.074 R.S.Mo. (2015) Domestic assault, third degree--penalty</p> <p>1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010 and:</p> <p>(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or</p> <p>(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or</p> <p>(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or</p> <p>(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or</p> <p>(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or</p> <p>(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.</p> <p>2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.</p> |
| <p>MONTANA</p> | <p>Mont. Code Anno., § 45-5-206 (2015) Partner or family member assault--penalty</p> <p>(1) A person commits the offense of partner or family member assault if the person:</p> <p>(a) purposely or knowingly causes bodily injury to a partner or family member;</p> <p>(b) negligently causes bodily injury to a partner or family member with a weapon; or</p> <p>(c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.</p> <p>(2) For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply:</p> <p>(a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.</p> <p>(b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.</p> <p>3)(a)(i) An offender convicted of partner or family member assault shall be fined an amount not less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense.</p> <p>(ii) An offender convicted of a second offense under this section shall be fined not less than \$300 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.</p> <p>(iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in 46-23-1005.</p> |

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| | <p>(iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than \$500 and not more than \$50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.</p> <p>(v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.</p> |
| NEBRASKA | <p>R.R.S. Neb. § 28-323 (2014) Domestic assault; penalties</p> <p>(1) A person commits the offense of domestic assault in the third degree if he or she:</p> <p>(a) Intentionally and knowingly causes bodily injury to his or her intimate partner;</p> <p>(b) Threatens an intimate partner with imminent bodily injury; or</p> <p>(c) Threatens an intimate partner in a menacing manner.</p> <p>(2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.</p> <p>(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.</p> <p>(4) Violation of subdivision (1)(a) or (b) of this section is a Class I misdemeanor, except that for any subsequent violation of subdivision (1)(a) or (b) of this section, any person so offending is guilty of a Class IIIA felony.</p> <p>(5) Violation of subdivision (1)(c) of this section is a Class I misdemeanor.</p> |
| NEVADA | <p>Nev. Rev. Stat. Ann. § 33.018 (2014) Acts which constitute domestic violence</p> <p>1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:</p> <p>(a) A battery.</p> <p>(b) An assault.</p> <p>(c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.</p> <p>(d) A sexual assault.</p> <p>(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:</p> |

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| | <p>(1) Stalking. (2) Arson. (3) Trespassing. (4) Larceny. (5) Destruction of private property. (6) Carrying a concealed weapon without a permit. (7) Injuring or killing an animal. (f) A false imprisonment. (g) Unlawful entry of the other person’s residence, or forcible entry against the other person’s will if there is a reasonably foreseeable risk of harm to the other person from the entry.</p> <p>Nev. Rev. Stat. Ann. § 200.485 (2014) Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions</p> <p>1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:</p> <p>(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:</p> <p>(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and (2) Perform not less than 48 hours, but not more than 120 hours, of community service.</p> <p>The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.</p> <p>(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:</p> <p>(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and (2) Perform not less than 100 hours, but not more than 200 hours, of community service.</p> <p>The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.</p> |
| <p>NEW HAMPSHIRE</p> | <p>N.H. Rev. Stat. § 173-B:9 (2015) 173-B:9 Violation of Protective Order; Penalty.</p> <p>III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA</p> |

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| | <p>458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.</p> <p>IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:</p> <p>(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;</p> <p>(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;</p> <p>(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;</p> <p>(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;</p> <p>(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.</p> <p>N.H. Rev. Stat. § 631:2-b (2015) 631:2-b Domestic Violence.</p> <p>II. Domestic violence is a class A misdemeanor unless the person uses or threatens to use a deadly weapon as defined in RSA 625:11, V, in the commission of an offense, in which case it is a class B felony.</p> |
| <p>NEW JERSEY</p> | <p>No statute.</p> |
| <p>NEW MEXICO</p> | <p>N.M. Stat. Ann. § 30-3-12 (2015) Assault against a household member</p> <p>A. Assault against a household member consists of:</p> <p>(1) an attempt to commit a battery against a household member; or</p> <p>(2) any unlawful act, threat or menacing conduct that causes a household member to reasonably believe that he is in danger of receiving an immediate battery.</p> <p>B. Whoever commits assault against a household member is guilty of a petty misdemeanor.</p> <p>N.M. Stat. Ann. § 30-3-15 (2015) Battery against a household member</p> <p>A. Battery against a household member consists of the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner.</p> <p>B. Whoever commits battery against a household member is guilty of a misdemeanor.</p> <p>N.M. Stat. Ann. § 30-3-16 (2015) Aggravated battery against a household member</p> |

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| | <p>A. Aggravated battery against a household member consists of the unlawful touching or application of force to the person of a household member with intent to injure that person or another.</p> <p>B. Whoever commits aggravated battery against a household member by inflicting an injury to that person that is not likely to cause death or great bodily harm, but that does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a misdemeanor.</p> |
| NEW YORK | No statute. |
| NORTH CAROLINA | <p>N.C. Gen. Stat. §50B-1 (2014) Domestic violence; definition</p> <p>(a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:</p> <p>(1) Attempting to cause bodily injury, or intentionally causing bodily injury; or</p> <p>(2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or</p> <p>(3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.</p> |
| NORTH DAKOTA | <p>N.D. Cent. Code, § 12.1-17-01 (2015) Simple assault</p> <p>1. A person is guilty of an offense if that person:</p> <p>a. Willfully causes bodily injury to another human being; or</p> <p>b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.</p> <p>2. The offense is:</p> <p>a. A class C felony when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; an employee of the state hospital acting in the course and scope of employment, which the actor knows to be a fact, and the actor is an individual committed to or detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a judicial proceeding; or a member of a municipal or volunteer fire department or emergency medical services personnel unit or emergency department worker in the performance of the member's duties.</p> <p>b. A class B misdemeanor for the first offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and the actor has a prior conviction for simple assault under this section or an</p> |

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| | <p>assault offense under section 12.1-17-01.1 or 12.1-17-02 involving the commission of domestic violence as defined in subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this subdivision.</p> <p>c. A class B misdemeanor except as provided in subdivision a or b.</p> |
| OHIO | <p>ORC Ann. § 2919.25 (2015) Domestic violence</p> <p>(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member. (B) No person shall recklessly cause serious physical harm to a family or household member. (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member. (D)(1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (6) of this section. (2) Except as otherwise provided in divisions (D)(3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the first degree. (5) Except as otherwise provided in division (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.</p> |
| OKLAHOMA | <p>21 Okl. St. § 644 (2014) Assault--Assault and battery--Domestic abuse</p> <p>A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as</p> |

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| | <p>the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.</p> <p>E. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one (1) year.</p> <p>Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.</p> <p>Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.</p> |
| <p>OREGON</p> | <p>O.R.S. § 163.160 (2015) 163.160. Assault in the fourth degree</p> <p>(1) A person commits the crime of assault in the fourth degree if the person:</p> <p>(a) Intentionally, knowingly or recklessly causes physical injury to another; or</p> <p>(b) With criminal negligence causes physical injury to another by means of a deadly weapon.</p> <p>(2) Assault in the fourth degree is a Class A misdemeanor.</p> <p>(3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C felony if the person commits the crime of assault in the fourth degree and:</p> <p>(a) The person has previously been convicted of assaulting the same victim;</p> <p>(b) The person has previously been convicted at least three times under this section or under equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined in ORS 135.230;</p> <p>(c) The assault is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim; or</p> <p>(d) The person commits the assault knowing that the victim is pregnant.</p> <p>O.R.S. § 163.415 (2015) 163.415. Sexual abuse in the third degree</p> <p>(1) A person commits the crime of sexual abuse in the third degree if:</p> <p>(a) The person subjects another person to sexual contact and:</p> <p>(A) The victim does not consent to the sexual contact; or</p> <p>(B) The victim is incapable of consent by reason of being under 18 years of age; or</p> |

- (b) For the purpose of arousing or gratifying the sexual desire of the person or another person, the person intentionally propels any dangerous substance at a victim without the consent of the victim.
- (2) Sexual abuse in the third degree is a Class A misdemeanor.

O.R.S. § 163.187 (2015)

163.187. Strangulation

- (1) A person commits the crime of strangulation if the person knowingly impedes the normal breathing or circulation of the blood of another person by:
 - (a) Applying pressure on the throat or neck of the other person; or
 - (b) Blocking the nose or mouth of the other person.
- (2) Subsection (1) of this section does not apply to legitimate medical or dental procedures or good faith practices of a religious belief.
- (3) Strangulation is a Class A misdemeanor.
- (4) Notwithstanding subsection (3) of this section, strangulation is a Class C felony if:
 - (a) The crime is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or the victim;
 - (b) The victim is under 10 years of age;
 - (c) During the commission of the crime, the person used, attempted to use or threatened to use a dangerous or deadly weapon, as those terms are defined in ORS 161.015, unlawfully against another;
 - (d) The person has been previously convicted of violating this section or of committing an equivalent crime in another jurisdiction;
 - (e) The person has been previously convicted of violating ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or of committing an equivalent crime in another jurisdiction, and the victim in the previous conviction is the same person who is the victim of the current crime; or
 - (f) The person has at least three previous convictions of any combination of ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or of equivalent crimes in other jurisdictions.

O.R.S. § 166.065 (2015)

166.065. Harassment

- (1) A person commits the crime of harassment if the person intentionally:
 - (a) Harasses or annoys another person by:
 - (A) Subjecting such other person to offensive physical contact;
 - (B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response; or
 - (C) Distributing a visual recording, as defined in ORS 163.665, of the other person engaged in sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as defined in ORS 163.700, when the other person is under 18 years of age at the time of the recording;

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| | <p>(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or</p> <p>(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm.</p> <p>(2)(a) A person is criminally liable for harassment if the person knowingly permits any telephone or electronic device under the person's control to be used in violation of subsection (1) of this section.</p> <p>(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this section is committed in either the county in which the communication originated or the county in which the communication was received.</p> <p>(3) Harassment is a Class B misdemeanor.</p> <p>(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates:</p> <p>(a) Subsection (1)(a)(A) of this section by subjecting another person to offensive physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of the other person;</p> <p>(b) Subsection (1)(a)(C) of this section; or</p> <p>(c) Subsection (1)(c) of this section and:</p> <p>(A) The person has a previous conviction under subsection (1)(c) of this section and the victim of the current offense was the victim or a member of the family of the victim of the previous offense;</p> <p>(B) At the time the offense was committed, the victim was protected by a stalking protective order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person from contacting the victim;</p> <p>(C) At the time the offense was committed, the person reasonably believed the victim to be under 18 years of age and more than three years younger than the person; or</p> <p>(D)(i) The person conveyed a threat to kill the other person or any member of the family of the other person;</p> <p>(ii) The person expressed the intent to carry out the threat; and</p> <p>(iii) A reasonable person would believe that the threat was likely to be followed by action.</p> |
| <p>PENNSYLVANIA</p> | <p>18 Pa.C.S.A. § 2705 (2014) § 2705. Recklessly endangering another person</p> <p>A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.</p> <p>18 Pa.C.S.A. § 2701 (2014) § 2701. Simple assault</p> <p>(a) Offense defined.-- Except as provided under section 2702 (relating to aggravated assault), a person is guilty of assault if he:</p> <p>(1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another;</p> |

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| | <p>(2) negligently causes bodily injury to another with a deadly weapon; (3) attempts by physical menace to put another in fear of imminent serious bodily injury; or (4) conceals or attempts to conceal a hypodermic needle on his person and intentionally or knowingly penetrates a law enforcement officer or an officer or an employee of a correctional institution, county jail or prison, detention facility or mental hospital during the course of an arrest or any search of the person.</p> <p>(b) Grading.--Simple assault is a misdemeanor of the second degree unless committed: (1) in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree; or (2) against a child under 12 years of age by a person 18 years of age or older, in which case it is a misdemeanor of the first degree.</p> |
| <p>RHODE ISLAND</p> | <p>R.I. Gen. Laws § 12-29-2 (2015)</p> <p>Definitions</p> <p>(a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:</p> <ol style="list-style-type: none"> (1) Simple assault (§ 11-5-3); (2) Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4; (11) Stalking (§§ 11-59-1 et seq.); (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14); (13) Burglary and Unlawful Entry (§ 11-8-1 et seq.); (14) Arson (§ 11-4-2 et seq.); (15) Cyberstalking and cyberharassment (§ 11-52-4.2); and (16) Domestic assault by strangulation (§ 11-5-2.3). <p>(b) "Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors:</p> <ol style="list-style-type: none"> (1) the length of time of the relationship; (2) the type of the relationship; |

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| | <p>(3) the frequency of the interaction between the parties. (c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8. (d) "Victim" means a family or household member who has been subjected to domestic violence.</p> |
| <p>SOUTH CAROLINA</p> | <p>S.C. Code Ann. § 16-25-20 (2015) Acts prohibited; penalties; criminal domestic violence conviction in another state as prior offense.</p> <p>(A) It is unlawful to: (1) cause physical harm or injury to a person's own household member; or (2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril. (B) Except as otherwise provided in this section, a person commits the offense of domestic violence in the first degree if the person violates the provisions of subsection (A) and: (1) great bodily injury to the person's own household member results or the act is accomplished by means likely to result in great bodily injury to the person's own household member; (2) the person violates a protection order and in the process of violating the order commits domestic violence in the second degree; (3) has two or more prior convictions of domestic violence within ten years of the current offense; (4) the person uses a firearm in any manner while violating the provisions of subsection (A); or (5) in the process of committing domestic violence in the second degree one of the following also results: (a) the offense is committed in the presence of, or while being perceived by a minor; (b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant; (c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft; (d) the offense is committed by impeding the victim's breathing or air flow; or (e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with: (i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or (ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years. Domestic violence in the first degree is a lesser included offense of domestic violence of a high and aggravated nature, as defined in Section 16-25-65. (C) A person commits the offense of domestic violence in the second degree if the person violates subsection (A) and: (1) moderate bodily injury to the person's own household member results or the act is accomplished by means likely to result in moderate bodily injury to the person's own household member; (2) the person violates a protection order and in the process of violating the order commits domestic violence in the third degree; (3) the person has one prior conviction for domestic violence in the past ten years from the current offense; or (4) in the process of committing domestic violence in the third degree one of the following also results:</p> |

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| | <p>(a) the offense is committed in the presence of, or while being perceived by, a minor;</p> <p>(b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;</p> <p>(c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;</p> <p>(d) the offense is committed by impeding the victim's breathing or air flow; or</p> <p>(e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:</p> <p>(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or</p> <p>(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.</p> <p>A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned for not more than three years, or both.</p> <p>Domestic violence in the second degree is a lesser-included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16–25–65.</p> <p>Assault and battery in the second degree pursuant to Section 16–3–600(D) is a lesser-included offense of domestic violence in the second degree as defined in this subsection.</p> <p>(D) A person commits the offense of domestic violence in the third degree if the person violates subsection (A).</p> <p>(1) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days, or both. Notwithstanding the provisions of Sections 22–3–540, 22–3–545, and 22–3–550, an offense pursuant to the provisions of this subsection may be tried in summary court.</p> <p>(2) Domestic violence in the third degree is a lesser-included offense of domestic violence in the second degree, as defined in subsection (C), domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16–25–65.</p> <p>(3) Assault and battery in the third degree pursuant to Section 16–3–600(E) is a lesser-included offense of domestic violence in the third degree as defined in this subsection.</p> <p>(4) A person who violates this subsection is eligible for pretrial intervention pursuant to Chapter 22, Title 17.</p> |
| <p>SOUTH DAKOTA</p> | <p>SDCL § 22-18-1 (2014)</p> <p>22-18-1. Simple assault--Misdemeanor--Felony for subsequent offenses</p> <p>Any person who:</p> <p>(1) Attempts to cause bodily injury to another and has the actual ability to cause the injury;</p> <p>(2) Recklessly causes bodily injury to another;</p> <p>(3) Negligently causes bodily injury to another with a dangerous weapon;</p> <p>(4) Attempts by physical menace or credible threat to put another in fear of imminent bodily harm, with or without the actual ability to harm the other person; or</p> <p>(5) Intentionally causes bodily injury to another which does not result in serious bodily injury;</p> <p>is guilty of simple assault. Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of, or entered a plea of</p> |

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| | <p>guilty to, two or more violations of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29 within ten years of committing the current offense, the defendant is guilty of a Class 6 felony for any third or subsequent offense.</p> |
| TENNESSEE | <p>Tenn. Code Ann. § 39-13-111 (2014) Domestic assault.</p> <p>(a) As used in this section, “domestic abuse victim” means any person who falls within the following categories:</p> <ol style="list-style-type: none"> (1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in subdivisions (a)(1)-(5). <p>(b) A person commits domestic assault who commits an assault as defined in § 39-13-101 against a domestic abuse victim.</p> <p>(c)(1) A first conviction for domestic assault and a second or subsequent conviction for domestic assault committed in a manner prohibited by § 39-13-101 (a)(2) and (a)(3) is punishable the same as assault under § 39-13-101, and additionally, as provided in subdivisions (c)(2) and (c)(3) and subsections (d) and (e) of this section.</p> <p>(2) A second conviction for domestic assault committed in a manner prohibited by § 39-13-101(a)(1) is punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than three thousand five hundred dollars (\$3,500), and by confinement in the county jail or workhouse for not less than thirty (30) consecutive days, nor more than eleven (11) months and twenty-nine (29) days.</p> <p>(3) A third or subsequent conviction for domestic assault committed in a manner prohibited by § 39-13-101(a)(1), is punishable by a fine of not less than one thousand one hundred dollars (\$1,100) nor more than five thousand dollars (\$5,000), and by confinement in the county jail or workhouse for not less than ninety (90) consecutive days, nor more than eleven (11) months and twenty-nine (29) days.</p> |
| TEXAS | <p>Tex. Penal Code § 22.01 (2014) Assault</p> <p>(a) A person commits an offense if the person:</p> <ol style="list-style-type: none"> (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. <p>(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:</p> <ol style="list-style-type: none"> (1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; |

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| | <p>(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:</p> <p>(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or</p> <p>(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth;</p> <p>(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:</p> <p>(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or</p> <p>(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;</p> <p>(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer; or</p> <p>(5) a person the actor knows is emergency services personnel while the person is providing emergency services.</p> <p>(b-1) Notwithstanding Subsection (b)(2), an offense under Subsection (a)(1) is a felony of the second degree if:</p> <p>(1) the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;</p> <p>(2) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and</p> <p>(3) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.</p> <p>(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:</p> <p>(1) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04; or</p> <p>(2) a Class B misdemeanor if the offense is committed by a person who is not a sports participant against a person the actor knows is a sports participant either:</p> <p>(A) while the participant is performing duties or responsibilities in the participant's capacity as a sports participant; or</p> <p>(B) in retaliation for or on account of the participant's performance of a duty or responsibility within the participant's capacity as a sports participant.</p> |
| UTAH | No statute. |
| VERMONT | <p>Vt. Stat. Ann. tit. 13 §1042 (2015) Domestic Assault</p> <p>Any person who attempts to cause or wilfully or recklessly causes bodily injury to a family or household member, or wilfully causes a family or household member to fear imminent serious bodily injury shall be imprisoned not more than 18 months or fined not more than</p> |

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| | \$5,000.00, or both. |
| VIRGIN ISLANDS | No statute. |
| VIRGINIA | <p>Va. Code Ann. § 18.2-57.2 (2015) Assault and battery against a family or household member; penalty</p> <p>A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</p> |
| WASHINGTON | <p>Rev. Code Wash. (ARCW) § 10.99.020 (2015) Definitions</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(3) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.</p> <p>(4) "Dating relationship" has the same meaning as in RCW 26.50.010.</p> <p>(5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:</p> <ul style="list-style-type: none"> (d) Assault in the fourth degree (RCW 9A.36.041); (g) Coercion (RCW 9A.36.070); (j) Criminal trespass in the first degree (RCW 9A.52.070); (k) Criminal trespass in the second degree (RCW 9A.52.080); (n) Malicious mischief in the third degree (RCW 9A.48.090); (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); (v) Stalking (RCW 9A.46.110); and (w) Interference with the reporting of domestic violence (RCW 9A.36.150). |
| WEST VIRGINIA | <p>W. Va. Code § 61-2-28 (2015) Domestic violence -- Criminal acts.</p> <p>(a) <i>Domestic battery.</i> -- Any person who unlawfully and intentionally makes physical contact force capable of causing physical pain or injury</p> |

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| | <p>to his or her family or household member or unlawfully and intentionally causes physical harm to his or her family or household member, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than twelve months, or fined not more than \$500, or both fined and confined.</p> <p>(b) <i>Domestic assault.</i> -- Any person who unlawfully attempts to use force capable of causing physical pain or injury against his or her family or household member or unlawfully commits an act that places his or her family or household member in reasonable apprehension of immediately suffering physical pain or injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months, or fined not more than \$100, or both fined and confined.</p> <p>(c) <i>Second offense.</i> -- Domestic assault or domestic battery.</p> <p>A person convicted of a violation of subsection (a) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was his or her current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or who has previously been granted a period of pretrial diversion pursuant to section twenty-two, article eleven of this chapter for a violation of subsection (a) or (b) of this section, or a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than sixty days nor more than one year, or fined not more than \$1,000, or both fined and confined.</p> <p>A person convicted of a violation of subsection (b) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or having previously been granted a period of pretrial diversion pursuant to section twenty-two, article eleven of this chapter for a violation of subsection (a) or (b) of this section or subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense shall be confined in jail for not less than thirty days nor more than six months, or fined not more than \$500, or both fined and confined.</p> |
| WISCONSIN | No statute. |
| WYOMING | <p>Wyo. Stat. § 6-2-501 (2015) Simple assault; battery; penalties.</p> <p>(a) A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.</p> |

(b) A person is guilty of battery if he intentionally, knowingly or recklessly causes bodily injury to another person by use of physical force.

(c) Except as provided by subsection (e) of this section, simple assault is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

(d) Except as provided by subsection (f) of this section, battery is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. Notwithstanding any other provision of law, the term of probation imposed by a judge under this subsection may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year.

(g) A person is guilty of unlawful contact if he:

(i) Touches another person in a rude, insolent or angry manner without intentionally using sufficient physical force to cause bodily injury to another; or

(ii) Recklessly causes bodily injury to another person.

(h) An unlawful contact under subsection (g) of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00) or both.