

## **DOMESTIC VIOLENCE CRIMES**

### **Domestic Battering 1<sup>st</sup> §5-26-303**

- With the purpose of causing serious physical injury to F/HM - causes serious physical injury to F/HM with a deadly weapon
- With the purpose of seriously and permanently disfiguring F/HM or of destroying, amputating, or permanently disabling a member or organ of a F/HM's body - causes such an injury to F/HM
- Causes serious physical injury to F/HM under circumstances manifesting extreme indifference to the value of human life.
- Commits DV 1,2 or 3 with 2 previous convictions of DV in last 10 years
- B felony (5-20 years)
- A felony if victim was 4 weeks pregnant
- A felony if prior DV conviction within past 5 years preceding current offense

### **Domestic Battering 2<sup>nd</sup> §5-26-304**

- With the purpose of causing physical injury to F/HM - causes serious physical injury to F/HM
- With the purpose of causing physical injury to F/HM - causes physical injury to F/HM with a deadly weapon
- Recklessly causes serious physical injury to F/HM with a deadly weapon.
- C felony (3 to 10 years)
- B felony if victim was 4 weeks pregnant
- B felony if prior DV conviction within past 5 years preceding current offense
- B felony if 2 prior DV convictions within past 10 years preceding current offense

### **Domestic Battering 3<sup>rd</sup> §5-26-305**

- With the purpose of causing physical injury to F/HM - causes physical injury to a F/HM
- Recklessly causes physical injury to F/HM
- Negligently causes physical injury to F/HM with deadly weapon
- Purposely causes stupor, unconsciousness, or physical or mental impairment or injury to F/HM by administering to F/HM without the F/HM's consent, any drug or other substance.
- A misdemeanor (up to 1 year in jail)
- D felony if victim is 4 weeks pregnant
- D felony if prior DV conviction within past 5 years preceding current offense
- D felony if 2 prior DV convictions within past 10 years

### **Aggravated Assault on F/HM §5-26-306**

- Under circumstances manifesting extreme indifference to the value of human life
  - purposely engages in conduct that creates a substantial danger of death or serious physical injury to F/HM
- D felony (0 – 6 years)

### **Assault on F/HM 1<sup>st</sup> §5-26-307**

- Recklessly engages in conduct which creates a substantial risk of death or serious physical injury to F/HM
- A misdemeanor (Up to 1 year in jail)

### **Assault on F/HM 2<sup>nd</sup> §5-26-308**

- Recklessly engages in conduct which creates a substantial risk of physical injury to F/HM
- B misdemeanor (Up to 90 days in jail)

### **Assault on F/HM 3<sup>rd</sup> §5-26-309**

- Purposely creates apprehension of imminent physical injury to F/HM
- C misdemeanor (Up to 30 days in jail)

*(As of 9/17/07)*