

State Statutes: Misdemeanor Crimes of Domestic Violence

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State	Statute with Citation
Alabama	<p data-bbox="919 207 1318 237" style="text-align: center;">Code of Ala. § 13A-6-132 (2011)</p> <p data-bbox="415 241 863 271">Domestic violence in the third degree.</p> <p data-bbox="415 276 1818 605">(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 data-bbox="415 646 1808 740">(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 data-bbox="415 781 1803 875">(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 data-bbox="415 880 1766 941">(e) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.</p>

Alaska	No Statute.
Arizona	<p style="text-align: center;">A.R.S. § 13-1203 (2011)</p> <p>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>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 style="text-align: center;">A.R.S. § 13-3601 (2011)</p> <p>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 section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810 [interfering with judicial proceedings], section 13-2904 [disorderly conduct], subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 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.

Arkansas

A.C.A. § 5-26-305 (2011)

Domestic battering in the third degree.

- (a) A person commits domestic battering in the third degree if:
- (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;
 - (2) The person recklessly causes physical injury to a family or household member;
 - (3) The person negligently causes physical injury to a family or household member by means of a deadly weapon; or
 - (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.

(b) (1) Domestic battering in the third degree is a Class A misdemeanor.

A.C.A. § 5-26-307 (2011)

First degree assault on family or household member.

- (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.
- (b) First degree assault on a family or household member is a Class A misdemeanor.

A.C.A. § 5-26-308 (2011)

Second degree assault on family or household member.

- (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.
- (b) Second degree assault on a family or household member is a Class B misdemeanor.

A.C.A. § 5-26-309 (2011)

Third degree assault on a family or household member.

- (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.
- (b) Third degree assault on a family or household member is a Class C misdemeanor.

California

Cal Pen Code § 243 (2011)

(Operative October 1, 2011)

Punishment for battery generally; Punishment for assault against specified officers or others

(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, fiance, 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 defined 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.

(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:

(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).

(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.

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. Where 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 may 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.

(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

	<p>under paragraph (1), the person shall be 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>
Colorado	No Statute
Connecticut	No Statute
Delaware	No Statute
District of Columbia	No Statute
Florida	No Statute
Georgia	<p style="text-align: center;">O.C.G.A. § 16-5-20 (2011).</p> <p>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>(b) Except as provided in subsections (c) through (h) of this Code section, a person who commits the offense of simple assault shall be guilty of a misdemeanor.</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>

O.C.G.A. § 16-5-23 (2011)

Simple battery

- (a) A person commits the offense of simple battery when he or she either:
 - (1) Intentionally makes physical contact of an insulting or provoking nature with the person of another; or
 - (2) Intentionally causes physical harm to another.
- (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.
- (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.

O.C.G.A. § 16-5-23.1 (2011)

Battery

- (a) A person commits the offense of battery when he or she intentionally causes substantial physical harm or visible bodily harm to another.
- (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.
- (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.
- (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:
 - (1) Upon a first conviction of family violence battery, the defendant shall be guilty of and punished for a misdemeanor.

9 GCA § 30.20 (2011)

Guam

Family Violence.

- (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.

	<p style="text-align: center;">9 GCA § 30.10 (2011)</p> <p>Definitions. 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> <ol style="list-style-type: none"> 1. Attempting to cause or causing bodily injury to another family or household member; 2. Placing a family or household member in fear of bodily injury.
Hawaii	<p style="text-align: center;">HRS § 709-906 (2011)</p> <p>Abuse of family or household members; penalty.</p> <p>(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.</p> <p>For the purposes of this section, "family or household member" means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.</p> <p>(5) Abuse of a family or household member and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors and the person shall be sentenced as follows:</p> <ol style="list-style-type: none"> (a) For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and (b) For a second offense that occurs within one year of the first conviction, the person shall be termed a "repeat offender" and serve a minimum jail sentence of thirty days.
Idaho	<p style="text-align: center;">Idaho Code § 18-918 (2011)</p> <p>Domestic violence</p> <p>(1) For the purpose of this section:</p> <ol style="list-style-type: none"> (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. (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.

(2) (a) Any household member who in committing a battery, as defined in section 18-903, Idaho Code, inflicts a traumatic injury upon any other household member is guilty of a felony.

(b) A conviction of felony domestic battery is punishable 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 fine and imprisonment.

(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.

(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.

(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.

(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.

(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>(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>
Illinois	<p style="text-align: center;">§ 720 ILCS 5/12-3.2 (2011)</p> <p>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> <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 domestic battery (Section 12-3.2) or 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. 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.</p>
Indiana	<p style="text-align: center;">Burns Ind. Code Ann. § 35-42-2-1.3 (2011)</p> <p>Domestic battery.</p>

	<p>(a) A person who knowingly or intentionally touches an individual who:</p> <ol style="list-style-type: none"> (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>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>
Iowa	<p style="text-align: center;">Iowa Code § 708.2A (2011)</p> <p>Domestic abuse assault -- mandatory minimums, penalties enhanced -- extension of no-contact order.</p> <ol style="list-style-type: none"> 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". 2. On a first offense of domestic abuse assault, the person commits: <ol style="list-style-type: none"> a. A simple misdemeanor for a domestic abuse assault, except as otherwise provided. b. A serious misdemeanor, if the domestic abuse assault causes bodily injury or mental illness. c. An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the 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. 3. Except as otherwise provided in subsection 2, on a second domestic abuse assault, a person commits: <ol style="list-style-type: none"> 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. 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. 4. On a third or subsequent offense of domestic abuse assault, a person commits a class "D" felony.
Kansas	<p><i>Previous statute : K.S.A. § 21-3412a (2011), has been repealed and recodified. Current statute is below. Please see legislative alert.</i></p> <p>New Sec. 49. (a) Domestic battery is:</p> <ol style="list-style-type: none"> (1) Recklessly causing bodily harm by a family or household member against a family or household member; or (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.

(b) Domestic battery is a:

(1) 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 enroll in and successfully complete a domestic violence prevention program, except as provided in subsection (b)(2) or (b)(3);

(2) 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, except as provided in subsection (b)(3). 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 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 enter into and complete a treatment program for domestic violence prevention; and

(c) As used in this section:

(1) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of K.S.A. 21-3412a, prior to its repeal, this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

	(d) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any three-year period.
Kentucky	No statute
Louisiana	<p style="text-align: center;">La. R.S. 14:35.3 (2011)</p> <p>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>B. For purposes of this Section:</p> <p>(2) "Household member" means any person of the opposite sex presently living in the same residence or living in the same residence within five years of the occurrence of the domestic abuse battery with the defendant as a spouse, whether married or not, or any child presently living in the same residence or living in the same residence within five years immediately prior to the occurrence of domestic abuse battery, or any child of the offender regardless of where the child resides.</p>
Maine	<p style="text-align: center;">17-A M.R.S. 207-A (2011)</p> <p>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) The person 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 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;</p> <p>or</p> <p>3) Has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (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>
Maryland	No Statute
Massachusetts	No Statute
Michigan	<p style="text-align: center;">MCLS § 750.81 (2011)</p> <p>Assault and battery; penalties; applicability to individual using necessary reasonable physical force in compliance with § 380.1312 of the revised school code; "dating relationship" defined.</p> <p>Sec. 81. (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.</p> <p>(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.</p> <p>(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</p>

	<p>imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:</p> <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> <p>(4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for 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, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both:</p> <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> <p>(5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.</p> <p>(6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.</p>
<p>Minnesota</p>	<p style="text-align: center;">Minn. Stat. § 609.2242 (2010)</p> <p>Domestic Assault 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 adjudication of delinquency against a family or household member as defined in section 518B.01, subdivision 2, 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> <p>Subd. 3. Domestic assaults; firearms. (a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or</p>

	<p>609.2247, the court shall determine and make written findings on the record as to whether:</p> <p>(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;</p> <p>(2) the defendant owns or possesses a firearm; and</p> <p>(3) the firearm was used in any way during the commission of the assault.</p> <p>(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p> <p>(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p>
<p>Mississippi</p>	<p style="text-align: center;">Miss. Code Ann. § 97-3-7 (2010)</p> <p>Simple assault; aggravated assault; simple domestic violence; aggravated domestic violence</p> <p>(1) A person is guilty of simple assault if he (a) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or (b) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (c) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he 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. However, a person convicted of simple assault (a) upon a statewide elected official, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker or family protection specialist or family protection worker employed by the Department of Human Services or another agency, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer, superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, or a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court, district attorney, legal assistant to a district attorney, county prosecutor, municipal prosecutor, court reporter employed by a court, court administrator, clerk or deputy clerk of the court, or public defender, while such statewide elected official, judge or justice, law enforcement officer, fireman, emergency medical personnel, public health personnel, social worker, family protection specialist, family protection worker, youth detention center personnel, training school juvenile care worker, any county or municipal jail officer, superintendent, principal, teacher or other instructional personnel, school attendance officer, school bus driver, district attorney, legal assistant to a district attorney, county prosecutor, municipal prosecutor, court reporter employed by a</p>

court, court administrator, clerk or deputy clerk of the court, or public defender is acting within the scope of his duty, office or employment; (b) upon a legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his duty, office or employment; or (c) upon a person who is sixty-five (65) years of age or older or a person who is a vulnerable adult, as defined in Section 43-47-5, shall be punished by a fine of not more than One Thousand Dollars (\$ 1,000.00) or by imprisonment for not more than five (5) years, or both.

(3) A person is guilty of simple domestic violence who commits simple assault as described in subsection (1) of this section against a current or former spouse 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, other persons related by consanguinity or affinity who reside with or formerly resided with 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 and, upon conviction, the defendant shall be punished as provided under subsection (1) of this section; however, upon a third or subsequent conviction of simple domestic violence, whether against the same or another victim and within five (5) years, the defendant shall be guilty of a felony and sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years. In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

565.074 R.S.Mo. (2011)

Missouri

Domestic assault, third degree--penalty

1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, and:

- (1) The person attempts to cause or recklessly causes physical injury to such family or household member; or
- (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
- (3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
- (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
- (5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
- (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,

	<p>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>
Montana	<p style="text-align: center;">Mont. Code Anno., § 45-5-206 (2010)</p> <p>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 with a person of the opposite sex.</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>
Nebraska	<p style="text-align: center;">R.R.S. Neb. § 28-323 (2011)</p> <p>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 IV felony.</p> <p>(5) Violation of subdivision (1)(c) of this section is a Class I misdemeanor.</p> <p>(8) For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.</p>
<p>Nevada</p>	<p style="text-align: center;">Nev. Rev. Stat. Ann. § 33.018 (2011)</p> <p>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>

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

- (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.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Nev. Rev. Stat. Ann. § 200.485 (2011)

Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions.

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>(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</p> <p>(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</p> <p>(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>
New Hampshire	No statute
New Jersey	No statute
New Mexico	<p style="text-align: center;">N.M. Stat. Ann. § 30-3-12 (2011)</p> <p>Assault against a household member</p> <p>A. Assault against a household member consists of: (1) an attempt to commit a battery against a household member;</p>

or (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.

B. Whoever commits assault against a household member is guilty of a petty misdemeanor.

N.M. Stat. Ann. § 30-3-15 (2011)

Battery against a household member

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.

B. Whoever commits battery against a household member is guilty of a misdemeanor.

N.M. Stat. Ann. § 30-3-16 (2011)

Aggravated battery against a household member

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.

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.

E. Notwithstanding any provision of law to the contrary, if a sentence imposed pursuant to the provisions of Subsection B of this section is suspended or deferred in whole or in part, the period of probation may extend beyond three hundred sixty-four days but may not exceed two years. If an offender violates a condition of probation, the court may impose any sentence that the court could originally have imposed and credit shall not be given for time served by the offender on probation; provided that the total period of incarceration shall not exceed three hundred sixty-four days and the combined period of incarceration and probation shall not exceed two years.

New York	No Statute
North Carolina	No Statute

<p>North Dakota</p>	<p style="text-align: center;">N.D. Cent. Code, § 12.1-17-01 (2011)</p> <p>Simple assault.</p> <p>1. A person is guilty of an offense if that person:</p> <p style="margin-left: 20px;">a. Willfully causes bodily injury to another human being; or</p> <p style="margin-left: 20px;">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 style="margin-left: 20px;">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 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 style="margin-left: 20px;">c. A class B misdemeanor except as provided in subdivision a or b.</p>
<p>Ohio</p>	<p style="text-align: center;">ORC Ann. 2919.25 (2011)</p> <p>Domestic violence</p> <p>(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.</p> <p>(B) No person shall recklessly cause serious physical harm to a family or household member.</p> <p>(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.</p> <p>(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.</p> <p>(2) Except as otherwise provided in division (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.</p>
<p>Oklahoma</p>	<p style="text-align: center;">21 Okl. St. § 644 (2011)</p> <p>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.</p> <p>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.</p> <p>C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is 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 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.</p>
Oregon	No statute
Pennsylvania	No statute
Rhode Island	<p style="text-align: center;">R.I. Gen. Laws § 12-29-2 (2011)</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;

	<p>(11) Stalking (§§ 11-59-1 et seq.);</p> <p>(12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);</p> <p>(13) Burglary and Unlawful Entry (§ 11-8-1 et seq.);</p> <p>(14) Arson (§ 11-4-2 et seq.);</p> <p>(15) Cyberstalking and cyberharassment (§ 11-52-4.2).</p> <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; (3) the frequency of the interaction between the parties. <p>(c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8.</p> <p>(d) "Victim" means a family or household member who has been subjected to domestic violence.</p>
<p>South Carolina</p>	<p style="text-align: center;">S.C. Code Ann. § 16-25-20 (2010)</p> <p>Acts prohibited; penalties; criminal domestic violence conviction in another state as prior offense.</p> <p>(A) It is unlawful to:</p> <ol style="list-style-type: none"> (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. <p>(B) Except as otherwise provided in this section, a person who violates the provisions of subsection (A) is guilty of the offense of criminal domestic violence and, upon conviction, must be punished as follows:</p> <ol style="list-style-type: none"> (1) for a first offense, the person is guilty of a misdemeanor and must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than thirty days. The court may suspend the imposition or execution of all or part of the fine conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of <i>Section 16-25-20(H)</i>, a program designed to treat batterers. Notwithstanding the provisions of <i>Sections 22-3-540, 22-3-545, and 22-3-550</i>, an offense pursuant to the provisions of this subsection must be tried in summary court;

	<p>(2) for a second offense, the person is guilty of a misdemeanor and must be fined not less than two thousand five hundred dollars nor more than five thousand dollars and imprisoned not less than a mandatory minimum of thirty days nor more than one year. The court may suspend the imposition or execution of all or part of the sentence, except the thirty-day mandatory minimum sentence, conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of <i>Section 16-25-20(H)</i>, a program designed to treat batterers. If a person is sentenced to a mandatory minimum of thirty days pursuant to the provisions of this subsection, the judge may provide that the sentence be served two days during the week or on weekends until the sentence is completed and is eligible for early release based on credits he is able to earn during the service of his sentence, including, but not limited to, good-time credits;</p> <p style="text-align: center;">S.C. Code Ann. § 16-25-10 (2010)</p> <p>"Household member" defined.</p> <p>As used in this article, "household member" means:</p> <ul style="list-style-type: none"> (1) a spouse; (2) a former spouse; (3) persons who have a child in common; or (4) a male and female who are cohabiting or formerly have cohabited.
South Dakota	No statute
Tennessee	<p style="text-align: center;">Tenn. Code Ann. § 39-13-111 (2011)</p> <p>Domestic assault.</p> <p>a) As used in this section, "domestic abuse victim" means any person who falls within the following categories:</p> <ul 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) Domestic assault is punishable the same as assault in § 39-13-101.</p>
Texas	<p style="text-align: center;">Tex. Penal Code § 22.01 (2011)</p> <p>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; (2) a person whose relationship to or association with the defendant is described by Section 71.0021(b)(dating relationship), 71.003 (family), or 71.005 (household), Family Code, if: <ol style="list-style-type: none"> (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 (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;
Utah	<p style="text-align: center;">Utah Code Ann. § 77-36-1.1 (2011)</p> <p>Enhancement of offense and penalty for subsequent domestic violence offenses</p> <p>(1) For purposes of this section, "qualifying domestic violence offense" means:</p> <ol style="list-style-type: none"> (a) a domestic violence offense in Utah; or (b) an offense in any other state, or in any district, possession, or territory of the United States, that would be a domestic violence offense under Utah law. <p>(2) A person who is convicted of a domestic violence offense is:</p> <ol style="list-style-type: none"> (a) guilty of a class B misdemeanor if: <ol style="list-style-type: none"> (i) the domestic violence offense described in this Subsection (2) is designated by law as a class C misdemeanor;

and

(ii) (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or

(B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense;

(b) guilty of a class A misdemeanor if:

(i) the domestic violence offense described in this Subsection (2) is designated by law as a class B misdemeanor; and

(ii) (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or

(B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense

Utah Code Ann. § 77-36-1 (4) (2011)

"Domestic violence" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses (as proscribed in the statute)

(a) aggravated assault, as described in Section 76-5-103;

(b) assault, as described in Section 76-5-102;

(c) criminal homicide, as described in Section 76-5-201;

(d) harassment, as described in Section 76-5-106;

(e) electronic communication harassment, as described in Section 76-9-201;

(f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302;

(g) mayhem, as described in Section 76-5-105;

(h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Title 76, Chapter 5a, Sexual Exploitation of Children;

(i) stalking, as described in Section 76-5-106.5;

(j) unlawful detention, as described in Section 76-5-304;

(k) violation of a protective order or ex parte protective order, as described in Section 76-5-108;

	<p>(l) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3, Robbery;</p> <p>(m) possession of a deadly weapon with intent to assault, as described in Section 76-10-507;</p> <p>(n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Section 76-10-508;</p>
Vermont	No Statute
Virgin Islands	No Statute
Virginia	<p style="text-align: center;">Va. Code Ann. § 18.2-57.2 (2011)</p> <p>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> <p>A. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.</p> <p>C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required.</p> <p>D. The definition of “family or household member” in § 16.1-228 applies to this section.</p>
Washington	<p style="text-align: center;">Rev. Code Wash. (ARCW) § 10.99.020 (2011)</p> <p>Definitions</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p>

(1) "Agency" means a general authority Washington law enforcement agency as defined in *RCW 10.93.020*.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(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.

(4) "Dating relationship" has the same meaning as in *RCW 26.50.010*.

(5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (*RCW 9A.36.011*);

(b) Assault in the second degree (*RCW 9A.36.021*);

(c) Assault in the third degree (*RCW 9A.36.031*);

(d) Assault in the fourth degree (*RCW 9A.36.041*);

(e) Drive-by shooting (*RCW 9A.36.045*);

(f) Reckless endangerment (*RCW 9A.36.050*);

(g) Coercion (*RCW 9A.36.070*);

(h) Burglary in the first degree (*RCW 9A.52.020*);

(i) Burglary in the second degree (*RCW 9A.52.030*);

(j) Criminal trespass in the first degree (*RCW 9A.52.070*);

(k) Criminal trespass in the second degree (*RCW 9A.52.080*);

(l) Malicious mischief in the first degree (*RCW 9A.48.070*);

(m) Malicious mischief in the second degree (*RCW 9A.48.080*);

	<p>(n) Malicious mischief in the third degree (<i>RCW 9A.48.090</i>);</p> <p>(o) Kidnapping in the first degree (<i>RCW 9A.40.020</i>);</p> <p>(p) Kidnapping in the second degree (<i>RCW 9A.40.030</i>);</p> <p>(q) Unlawful imprisonment (<i>RCW 9A.40.040</i>);</p> <p>(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 (<i>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</i>);</p> <p>(s) Rape in the first degree (<i>RCW 9A.44.040</i>);</p> <p>(t) Rape in the second degree (<i>RCW 9A.44.050</i>);</p> <p>(u) Residential burglary (<i>RCW 9A.52.025</i>);</p> <p>(v) Stalking (<i>RCW 9A.46.110</i>); and</p> <p>(w) Interference with the reporting of domestic violence (<i>RCW 9A.36.150</i>).</p>
West Virginia	<p style="text-align: center;">W. Va. Code § 61-2-28(a)-(c) (2011)</p> <p>Domestic violence - Criminal acts.</p> <p>(a) Domestic battery. -- Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with 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 a county or regional jail for not more than twelve months, or fined not more than five hundred dollars, or both.</p> <p>(b) Domestic assault. -- Any person who unlawfully attempts to commit a violent injury against his or her family or household member or unlawfully commits an act which places his or her family or household member in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than six months, or fined not more than one hundred dollars, or both.</p>

	<p>(c) Second offense. -- 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 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 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 a county or regional jail for not less than sixty days nor more than one year, or fined not more than one thousand dollars, or both.</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 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 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 a county or regional jail for not less than thirty days nor more than six months, or fined not more than five hundred dollars, or both.</p>
Wisconsin	No Statute
Wyoming	<p style="text-align: center;">Wyo. Stat. Ann. § 6-2-501(a)-(d) (2011)</p> <p>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</p>

injury to another.

(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.

(e) A household member as defined by W.S. 35-21-102 who is convicted upon a plea of guilty or no contest or found guilty of simple assault against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) or (f), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member, is guilty of 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.