

## TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

### Chapter 7.5

#### PHYSICAL HARM

##### Sections:

- 7.5.1 Assault in the First Degree.
- 7.5.2 Assault in the Second Degree.
- 7.5.3 Assault in the Third Degree.
- 7.5.4 Assault in the Fourth Degree.
- 7.5.5 Reckless Endangerment.
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- 7.5.8 Coercion.
- 7.5.9 Child Abuse or Neglect.
- 7.5.10 Malicious Harassment.

**7.5.1. Assault in the First Degree.** (a) Every person who with intent to kill a human being or to commit a felony upon the person or property of the one assaulted or of another shall be guilty of assault in the first degree when he or she:

(1) Shall assault another with a firearm or any deadly weapon or by any force or means likely to produce death; or

(2) Shall administer to or cause to be taken by another poison or any other destructive or noxious thing so as to endanger the life of another person.

(b) Assault in the first degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.5.2. Assault in the Second Degree.** (a) Every person who under circumstances not amounting to assault in the first degree shall be guilty of assault in the second degree when he or she:

(1) With intent to injure, shall unlawfully administer to or cause to be taken by another poison or any other destructive or noxious thing or any drug or medicine the use of which is dangerous to life or health;

(2) Shall knowingly inflict grievous bodily harm upon another with or without a weapon;

(3) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm;

(4) Shall knowingly assault another with intent to commit a felony; or

(5) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm.

(b) Assault in the second degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.5.3. Assault in the Third Degree.** (a) Every person who under circumstances not amounting to assault in either the first or second degree shall assault another with intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of him- or herself or another person shall be guilty of assault in the third degree.

(b) Assault in the third degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.5.4. Assault in the Fourth Degree.** (a) Every person who shall commit an assault or an assault and battery not amounting to assault in the first, second, or third degree shall be guilty of assault in the fourth degree.

(b) Assault in the fourth degree is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.5.5. Reckless Endangerment.** (a) A person is guilty of reckless endangerment when he or she recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(b) Reckless endangerment is a felony if a person under the age of eighteen (18) years or a dependent adult is endangered; in other cases, reckless endangerment is a gross misdemeanor. Dependent adult is defined under STC §7.4.7. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.5.6 Attempted Suicide.** Any person who willfully attempts to cause his or her own death, by any means, shall be guilty of an offense and upon conviction shall be sentenced to mandatory counseling for a period not to exceed one (1) year. The nature, form, and duration of the counseling shall be determined in accordance with the circumstances of each case. (Res. 87-100 (part,) passed Dec. 7, 1987; §7.3.20 renumbered for 1995 supplement)

**7.5.7. Promoting a Suicide Attempt.** (a) A person is guilty of promoting a suicide attempt when he or she knowingly causes or aids another person to attempt suicide.

(b) Promoting a suicide attempt is a felony. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

**7.5.8. Coercion.** (a) A person is guilty of coercion if by use of a threat he or she compels or induces a person:

(1) To engage in conduct which the latter has a legal right to abstain from;  
or

(2) To abstain from conduct which he or she has a legal right to engage in.

(b) "Threat" as used in this section means:

(1) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(2) Threats as defined in §7.1.5(y)(1-10).

(c) Coercion is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

**7.5.9. Child Abuse or Neglect.** (a) A person is guilty of child abuse or neglect if he or she commits an act of violence, abuse, or neglect on a child under the age of eighteen (18) years causing harm or injury to that child.

(b) Child abuse or neglect is a gross misdemeanor, and upon conviction thereof, the offender may be required by the Court to undergo medical evaluation and treatment in addition to or instead of any other sentence imposed by the Court. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

**7.5.10. Malicious Harassment.** (a) A person is guilty of malicious harassment if he or she, with intent to intimidate or harass another person because of that person's race, sexual preference, color, religion, ancestry, national origin, or mental, physical, or sensory handicap:

(1) Causes physical injury to another person;

(2) By words or conduct threatens harm to another person or another's property or harm to the person or property of a third person; or

(3) Causes physical damage to or destruction of the property of another person.

(b) Malicious harassment is a gross misdemeanor. A person who commits malicious harassment may be required by the Court to compensate the victim(s) for actual and punitive damages. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

Note: All subsections in this chapter have been renumbered for consistency, as follows. (Res. 2016-090, Jun. 20, 2016)

All Arabic numerals (1, 2, 3, etc.) used as subsection headings have been changed to lower case letters (a, b, c, etc.)

All lower case letters have been changed to Arabic numerals

Example: What was previously 7.5.1(1)(a) is now 7.5.1(a)(1)