

§207. Assault

1. A person is guilty of assault if:

A. The person intentionally, knowingly or recklessly causes bodily injury or offensive physical contact to another person. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §10 (NEW); PL 2001, c. 383, §156 (AFF).]

B. The person has attained at least 18 years of age and intentionally, knowingly or recklessly causes bodily injury to another person who is less than 6 years of age. Violation of this paragraph is a Class C crime. [PL 2001, c. 383, §10 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §10 (RPR); PL 2001, c. 383, §156 (AFF).]

2.

[PL 2001, c. 383, §10 (RP); PL 2001, c. 383, §156 (AFF).]

3. For a violation under subsection 1, the court shall impose a sentencing alternative that involves a fine of not less than \$300, which may not be suspended except as provided in subsection 4.

[PL 2019, c. 113, Pt. B, §10 (AMD).]

4. Finding by court necessary to impose other than minimum fine. In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 3 or impose a lesser fine other than the mandatory fine if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents; [PL 2019, c. 113, Pt. B, §11 (NEW).]

B. Reliable evidence of special needs of the individual or the individual's family and dependents; [PL 2019, c. 113, Pt. B, §11 (NEW).]

C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source; [PL 2019, c. 113, Pt. B, §11 (NEW).]

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [PL 2019, c. 113, Pt. B, §11 (NEW).]

E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69. [PL 2019, c. 113, Pt. B, §11 (NEW).]

[PL 2019, c. 113, Pt. B, §11 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1985, c. 495, §4 (AMD). PL 2001, c. 383, §10 (RPR). PL 2001, c. 383, §156 (AFF). PL 2005, c. 12, §JJ1 (AMD). PL 2019, c. 113, Pt. B, §§10, 11 (AMD).

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