

## DOMESTIC VIOLENCE ASSAULT CRIMES



**The Missouri General Assembly in 2000 established separate crimes for domestic assault. These new categories of assaults acknowledge elements of power and control, and they include enhanced penalties for prior or persistent offenders.**

### FIRST-DEGREE DOMESTIC ASSAULT (SECTIONS 565.063, 565.072 RSMo)

#### Definition

A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to 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, RSMo.

#### Punishment

Domestic assault in the first degree is a Class B Felony, unless the offender inflicts serious physical injury on the victim, in which case it is a Class A Felony.

**Prior offender** (1 prior offense within 5 years): Class A Felony; no probation or parole if serious injury inflicted.

**Persistent offender** (2+ previous offenses within 10 years): Class A Felony; no probation or parole.

### SECOND-DEGREE DOMESTIC ASSAULT (SECTIONS 565.063, 565.073 RSMo)

#### Definition

A person commits the crime of domestic assault in the second 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, RSMo, and he or she attempts to cause or knowingly causes physical injury by any means, including use of a deadly weapon or dangerous instrument, or by choking or strangulation; or recklessly causes serious physical injury; or recklessly causes physical injury with a deadly weapon.

#### Punishment

Domestic assault in the second degree is a Class C Felony.

**Prior offender** (1 prior offense within 5 years): Class B Felony.

**Persistent offender** (2+ previous offenses within 10 years): Class A Felony.

### THIRD-DEGREE DOMESTIC ASSAULT (SECTION 565.074, RSMo)

#### Definition

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, RSMo, and he or she attempts to cause or recklessly causes physical injury; or with criminal negligence causes physical injury by means of a deadly weapon or dangerous instrument; or places the victim in apprehension of immediate physical injury by any means; or recklessly engages in conduct which creates a grave risk of death or serious physical injury to the victim; or knowingly causes physical contact knowing the other person will regard the contact as offensive; or 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.

#### Punishment

Domestic assault in the third degree is a Class A Misdemeanor.

**Persistent offender** (2+ previous offenses within 10 years): Class D Felony. The offenses may be against the same family or household member or against a different family or household member.

#### DEFINITIONS

Class A Felony	10-30 years or life imprisonment
Class B Felony	5-15 years imprisonment
Class C Felony	7 years imprisonment or less
Class D Felony	4 years imprisonment or less
Class A Misdemeanor	A term of imprisonment not to exceed 1 year