

**AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS.**

The City of Morgantown hereby ordains that Section 529.01 of its General Offenses Code is amended as follows (new matter underlined, deleted matter struck through):

**529.01 ASSAULT AND BATTERY.**

- (a) Assault. No person shall unlawfully attempt to ~~commit a violent injury~~ use physical force capable of causing physical pain or injury to the person of another or unlawfully commit an act ~~which~~ that places another in reasonable apprehension of immediately ~~receiving a violent~~ suffering physical pain or injury.
- (b) Battery. No person shall unlawfully and intentionally make physical contact ~~of an insulting or provoking nature~~ with force capable of causing physical pain or injury to the person of another or unlawfully and intentionally cause physical ~~harm~~ pain or injury to another person.

This Ordinance shall become effective upon date of adoption.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

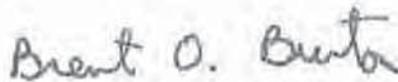
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CITY CLERK

RECORDED:

To: Steve Fanok  
Chief Preston  
From: Brent O. Burton  
Re: Changes to Assault and Battery Municipal Code Sections  
Date: 7/24/14

Chief Preston recently gave me an e-mail with attachment showing that the State of West Virginia has amended West Virginia Code Section 61-2-9 and 61-2-28 all relating generally to crimes against the person, and modifying the definition of "battery" and "domestic battery" to conform to federal laws. This was done in H. B. 4445, which passed on March 4, 2014, and took effect on June 2, 2014.

Although the City does not prosecute in Municipal Court domestic battery or felony cases that are mentioned in H. B. 4445, the City does prosecute assaults and batteries through our Municipal Court. It is recommended that the definitions of assault and battery be amended to conform to the State statute. I have attached a proposed amendment to the City Code.



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Brent O. Burton

BOB  
Attachment