

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
WISCONSIN	<p>Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A Misdemeanor.</p> <p><b>Wis. Stat. § 940.19(1).</b></p>	Misdemeanor	<p><b>Yes.</b></p> <p>At the time Logan was convicted, a repeat misdemeanor offender could be sentenced up to three years.</p> <p>[amended effective Feb. 1, 2003 to a maximum of two years.]</p> <p>Wis. Stat. § 939.62(1)(a), (2).</p>	Misdemeanor w/ increased stat. max.	<p><b>Three years.</b></p> <p>[As of Feb. 1, 2003, stat max is two years.]</p>	No.	No.
ALABAMA	<p>A person commits the crime of assault in the third degree if, with intent to cause physical injury to another person, he causes physical injury to any person.</p> <p>Ala. Code § 13A-6-22(a)(1).</p>	Misdemeanor.	No.	N/A	<p><b>One year.</b></p> <p>Ala. Code § 13A-5-7.</p>	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
ALASKA	A person commits the crime of assault in the fourth degree if that person recklessly causes physical injury to another person.  Alaska Stat. § 11.41.230(a)(1).	Misdemeanor.  Alaska Stat. § 11.41.230(b).	No.	N/A	One year.  Alaska Stat. § 12.55.135.	No.	No.
ARIZONA	A person commits assault by intentionally, knowingly or recklessly causing any physical injury to another person.  Ariz. Rev. Stat. § 13-1203(A)(1).	Misdemeanor.  Ariz. Rev. Stat. § 13-707(A).	Yes.	Still a <b>misdemeanor</b> , but shall be sentenced to the next higher class than that which such person currently stands convicted, which is a <b>class 6 felony</b> .  Ariz. Rev. Stat. § 13-701(C)(5).	One year.  Ariz. Rev. Stat. § 13-604(E).	No.	Yes.  A person is prohibited from possessing a firearm while serving a term of imprisonment in any correctional or detention facility.  Ariz. Rev. Stat. § 13-3101(6)(c).
ARKANSAS	A person commits battery in the third degree if with the purpose of causing physical injury to another person, the	Misdemeanor.	No.	N/A	One year.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	person causes physical injury to any person.  Ark. Stat. § 5-13-203.	Ark. Stat. § 5-4-401(b).			Ark. Stat. § 5-4-401(b).		
CALIFORNIA	A battery is any willful and unlawful use of force or violence upon the person of another.  Cal. Penal Code § 242.	Misdemeanor.  Cal. Penal Code § 243; <i>see also</i> Cal. Penal Code § 19.	No.	N/A	Six months.  Cal. Penal Code § 242.	No.	Yes.  A person convicted of a simple battery is <b>prohibited from possessing a firearm</b> within 10 years of conviction.  Cal. Penal Code § 12021(c)(1).
COLORADO	A person commits the crime of assault in the third degree if the person knowingly or recklessly causes bodily injury to another person . . . Colo. Stat. §18-3-204.	Misdemeanor.  Colo. Stat. §18-3-204.	No.	N/A	Two years.  Colo. Stat. §§ 18-3-204, 18-1.3-501.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
CONNECTICUT	<p>A person is guilty of assault in the third degree when [w]ith intent to cause physical injury to another person, he causes such injury to such person or to a third person.</p> <p>Conn. Stat. § 53a-61(a).</p>	<p>Misdemeanor.</p> <p>Conn. Stat. § 53a-61(b).</p>	<p>Yes.</p> <p>Conn. Stat. § 53a-40d(b).</p>	<p><b>Misdemeanor</b> w/ increased stat. max (“sentenced as a class D felony”).</p>	<p>Five years.</p> <p>Conn. Stat. § 53a-35a.</p>	<p>No.</p>	<p>Yes.</p> <p><b>Neither a permit to carry a pistol nor a certificate for eligibility to purchase a gun may be issued</b> to a person convicted of third degree assault.</p> <p><i>See</i> Conn. Stat. §§ 29-28(b), 29-32, 29-36f(b).</p>
DELAWARE	<p>A person is guilty of assault in the third degree when [] the person intentionally or recklessly causes physical injury to another person.</p> <p>11 Del. Code § 611.</p>	<p>Misdemeanor.</p> <p>11 Del. Code § 611.</p>	<p>No.</p>	<p>N/A</p>	<p>One year.</p> <p>11 Del. Code § 4206.</p>	<p>No.</p>	<p>Yes.</p> <p>A person convicted of a crime of violence involving injury of another is <b>prohibited from purchasing, owning, or controlling any firearm</b> or ammunition. 11</p>

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
							Del. Code Ann. § 1448(a)(1), (3).  Assault in the third degree is a “crime of violence” for the purposes of §1448. <i>Kipp v. State</i> , 704 A.2d 839 (Del. 1998).
DISTRICT OF COLUMBIA	Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than \$1,000 or be imprisoned not more than 180 days, or both.  D.C. Stat. § 22-404(a)(1).  “Assault” is defined as “common law assault”: (1) an act by the defendant; (2) an apparent present ability to injure the victim; (3) intent to perform the acts	Misdemeanor.	Yes.  D.C. Stat. § 22-1804.	<b>Misdemeanor</b> w/ increased stat. max. (three times the stat max if the person has two previous convictions).  D.C. Stat. § 22-1804.	Eighteen months.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	which constitute the assault. <i>See Guarro v. United States</i> , 237 F.2d 78, 580 (D.C. 1956).						
FLORIDA	The offense of battery occurs when a person actually and intentionally touches or strikes another person against the will of the other; or intentionally causes bodily harm to another person.  Fla. Stat. § 784.03(1)(a).	Misdemeanor.	Yes.	Offense is a <b>felony in the third degree</b> if the person has one prior conviction for battery, agg. battery or felony battery.  Fla. Stat. § 748.03(2).  [Before 2001, had to have two prior convictions. <i>See</i> Fla. s. 4, ch. 2001-50, sec. 4.]	Five years.  Fla. Stat. § 775.082(3)(c).	Yes --  (when repeater applies).	Yes --  (when repeater applies).
GEORGIA	A person commits the offense of simple battery when he or she [] intentionally causes physical harm to another.	Misdemeanor.  Ga. Stat. § 16-5-23(a)(2).	No.	N/A	One year.  Ga. Stat. § 17-10-3(a)(1).	No.	Yes.  A person convicted of a forcible misdemeanor is

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	Ga. Stat. § 16-5-23(a)(2).						not prohibited from possessing a firearm, but s/he <b>cannot obtain a license to carry one.</b> Ga. Stat. §§ 16-11-129(b)(3), 16-11-131(b); <i>id.</i> 16-1-3(7) (forcible misdemeanor defined as “any misdemeanor which involves the use or threat of physical force or violence against any person”).
HAWAII	A person commits the offense of assault in the third degree if the person intentionally, knowingly, or recklessly causes bodily injury to another person.  Hawai’i Rev. Stat. § 707-712.	Misdemeanor.  Hawai’i Rev. Stat. § 707-712.	No.	N/A	One year.	No.	Yes.  <b>No one may own, possess, or control a firearm if he has convicted of a crime of violence,</b> defined as any offense that “involves injury

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
							or threat of injury.”  Hawai’i Rev. Stat. § 134-7(b), (d); <i>id.</i> § 134-1.
IDAHO	A battery is any willful and unlawful use of force or violence upon the person of another; or actual, intentional and unlawful touching or striking of another person against the will of the other; or unlawfully and intentionally causing bodily harm to an individual.  Ida. Stat. § 18-903(a)-(c).	Misdemeanor.  Ida. Stat. §§ 18-303, 18-313,	No.	N/A	Six months.	No.	Yes.  A person convicted of a misdemeanor “crime of violence” can possess a firearm, but will be <b>denied a license to carry a concealed weapon</b> unless 3 years have elapsed since disposition or pardon.  Ida. Stat. § 18-3302(1)(h).
ILLINOIS	A person commits battery if he intentionally or knowingly without	Misdemeanor.	No.	N/A	One year.	Yes.  VOTE (while in jail or prison)	No --  (for those over 21 years of

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	<p>legal justification and by any means, [] causes bodily harm to an individual . . .</p> <p>720 Ill. Code 5/12-3(a).</p>	720 Ill. Code 5/12-3(b).			730 Ill. Code 5/5-8-3.	HOLD OFFICE (if battery is an “infamous crime” in this context)	age).
INDIANA	<p>A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class A misdemeanor if it results in bodily injury to another person.</p> <p>Ind. Stat. § 35-42-2-1(a)(1)(A).</p>	Misdemeanor.  Ind. Stat. § 35-42-2-1(a)(1)(A).	No.	N/A	One year.  Ind. Stat. § 35-50-3-2.	Yes.  JURY (while under a sentence imposed for an offense)	No.
IOWA	<p>A person commits an assault when, without justification, the person does [] any act which is intended to cause pain or injury to [] another.</p> <p>Iowa Stat. § 708.1</p> <p>A person who</p>	Misdemeanor.	No.	N/A	One year.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	commits an assault as defined in section 708.1, and who causes bodily injury or mental illness, is guilty of a serious misdemeanor.  Iowa Stat. § 708.2.	Iowa Stat. § 708.2.			Iowa Stat. § 903.1(1).		
KANSAS	Battery is intentionally or recklessly causing bodily harm to another person.  Kan. Stat. § 21-3412(a)(1).	Misdemeanor.  Kan. Stat. § 21-3412(b).	No.	N/A	Six months.  Kan. Stat. § 21-4502.	No.	No.
KENTUCKY	A person is guilty of assault in the fourth degree when [h]e intentionally or wantonly causes physical injury to another person.  Ken. Stat. § 508.030(1)(a).	Misdemeanor.  Ken. Stat. § 508.030(2).	No.	N/A	Twelve months.  Ken. Stat. § 508.090(1) (Class A misdemeanor).	Yes.  VOTE (while confined)	Yes  A person convicted of assault in the fourth degree within the last three years <b>will not be permitted to obtain a license to carry a concealed weapon.</b> Ken. Stat. §

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
							237.110(h).
LOUISIANA	Battery is the intentional use of force or violence upon the person of another.  La. Rev. Stat. § 14:33.	Misdemeanor.  La. Rev. Stat. § 14:35.	No.	N/A	Six months.  La. Rev. Stat. § 14:35.	No.	No.
MAINE	A person is guilty of assault if the person intentionally, knowingly or recklessly causes bodily injury or offensive contact to another person.  17-A Maine Rev. Stat. § 207(1)(A).	Neither.  A Class D crime.  17-A Maine Rev. Stat. § 207(1)(A).	No.	N/A	One year.  17-A Maine Rev. Stat. § 1252.	No.	No.
MARYLAND	A person may not commit an assault.  Md. Criminal Code § 3-203.  “Assault” is defined by caselaw as both assault and completed batteries. <i>Lamb v. State</i> , 613 A.2d 402 (Md. Ct. App.1992).	Misdemeanor.  Md. Criminal Code § 3-203 (second degree misdemeanor).	No.	N/A	Ten years.	Yes.  JURY (if received a sentence of more than six months)	Yes.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	“Battery” is “[a]ny unlawful injury whatsoever, however slight, actually done to the person of another, directly or indirectly, in an angry, revengeful, rude, or insolent manner, is a battery.” <i>Id.</i> at 442 (internal quotation omitted).						
MASSACHUSETTS	Whoever commits an assault or an assault and battery upon another shall be punished for not more than 2 ½ years in a house of correction.  Mass. Gen. Laws ch. 265, § 13A.	Misdemeanor.  Mass. Gen. Laws ch. 274, § 1; <i>id.</i> ch. 279 § 23.	No.	N/A	Two-and-a-half-years.	Yes.  JURY (while in custody)	Yes.  <b>Cannot possess.</b>  Mass. Gen. Laws ch. 140, §§ 129B(1), 131(d)(1).
MICHIGAN	A person who assaults or assaults and batters an individual [] is guilty of a misdemeanor punishable by imprisonment for not	Misdemeanor.	No.	N/A	Ninety-three days.	Yes.  VOTE (while confined)	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	<p>more than 93 days.</p> <p>Mich. Stat. § 750.81.</p> <p>“Assault” is any intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward the person of another, under such circumstances a create a well-founded fear of imminent peril, coupled with the apparent present ability to effectuate the attempt if not prevented.” <i>Tinkler v. Richter</i>, 295 N.W. 201, 203 (Mich. 1940).</p> <p>“Battery” is “the willful touching of the person of another by the aggressor or by some substance put in motion by him; or, as it is sometimes expressed, a battery is</p>	<p>Mich. Stat. § 750.81.</p>			<p>Mich. Stat. § 750.81.</p>		

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	the consummation of the assault.” <i>People v. Bryant</i> , 264 N.W.2d 13, 17 (Mich. Ct. App. 1978).						
MINNESOTA	Whoever [] intentionally inflicts or attempts to inflict bodily harm upon another [commits an assault in the fifth degree].  Minn. Stat. § 609.224(1)(1).	Misdemeanor.  Minn. Stat. § 609.224(1)(1).	Yes.	Still a <b>misdemeanor</b> and no effect on sentence, but firearms rights are affected if a second conviction within three years.  Minn. Stat. § 609.224(3)(a)(2) (b).	Ninety days.  Minn. Stat. § 609.02.	No.	Yes.  A person convicted of assault in the fifth degree <b>is not entitled to possess a firearm</b> upon a second conviction of this offense if the previous conviction was within three years.  Minn. Stat. § 609.224(3)(a)(2) ) (b).
MISSISSIPPI	A person is guilty of simple assault if he attempts to cause or purposely, knowingly	Misdemeanor.	No.	N/A	Six months.	No.	Yes.  A person convicted of a

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	or recklessly causes bodily injury to another.  Miss. Code. § 97-3-7(1).	Miss. Code. § 97-3-7(1); Miss. Unif. R. of Circ. & Cnty Court Prac. 6.01.					misdemeanor crime of violence may be <b>denied a permit to carry a firearm</b> unless three years have elapsed since sentence satisfied.  Miss. Code. § 45-9-101(3).
MISSOURI	A person commits the crime of assault in the third degree if the person attempts to cause or recklessly causes physical injury to another person.  Mo. Stat. § 565.070.1(1).	Misdemeanor.  Mo. Stat. § 565.070.2.	Yes.	<b>Misdemeanor</b> w/ same stat. max.	One year.  Mo. Stat. § 558.011.1(5).	Yes.  VOTE (while serving sentence).	No.
MONTANA	A person commits the offense of assault if the person purposely or knowingly causes bodily injury to another.  Mont. Stat. § 45-5-	Misdemeanor.  Mont. Stat. §	No.	N/A	Six months.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	201(1)(a).	45-5-201(2); <i>id.</i> § 45-2-101(42).					
NEBRASKA	A person commits the offense of assault in the third degree if he intentionally, knowingly, or recklessly causes bodily injury to another person.  Neb. Rev. Stat. § 28-310(1)(a).	Misdemeanor.  Neb. Rev. Stat. § 28-310(2).	No.	N/A	One year.  Neb. Rev. Stat. § 28-106(1).	No.	No.
NEVADA	“Battery” means any willful and unlawful use of force or violence upon the person of another.  Nev. Rev. Stat. § 200.481(1).	Misdemeanor.  Nev. Rev. Stat. § 200.481(2)(a).	No.	N/A	Six months.  Nev. Rev. Stat. § 193.150.	No.	No.
NEW HAMPSHIRE	A person is guilty of simple assault if he [] purposely or knowingly causes bodily injury [] to another . . . .  N.H. Rev. Stat. § 631:2-a(I).	Misdemeanor.  N.H. Rev. Stat. § 631:2-a(II).	No.  [Not for simple assault as a mere repeater. There has to be a jury finding BRD that the person has “knowingly devoted himself or herself to	N/A	One year.  N.H. Rev. Stat. § 651:2(II)(c).	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
			criminal activity as a major source of livelihood," in which case is subject to an extended term of up to five years. N.H. Rev. Stat. § 651:6(I), (III).]				
NEW JERSEY	A person is guilty of assault if he [] attempts to cause or purposely, knowingly or recklessly causes bodily injury to another.  N.J. Stat. Ann. § 2C:12-1(a)(1).	Neither.  It is a "disorderly persons offense," which is not a "crime" or an "indictable offense" and carries a stat max. of six months.  N.J. Stat. Ann. § 2C:12-1; <i>id.</i> § 2C:43-8; <i>id.</i> 2C:1-4.	No.	N/A	Six months.	No.	No.
NEW MEXICO	Battery is the	Misdemeanor.	No.	N/A	Six months if	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	<p>unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner. Whoever commits a battery is guilty of a petty misdemeanor.</p> <p>N.M. Stat. § 30-3-4.</p> <p>If injury is inflicted that causes “painful temporary disfigurement or temporary loss or impairment of the function of any member or organ of the body, then the offense is classified as aggravated battery, a misdemeanor.</p> <p>N.M. Stat. § 30-3-5.</p>	N.M. Stat. § 30-3-4.			<p>petty misdemeanor, one year for misdemeanor.</p> <p>N.M. Stat. § 31-6-1 N.M. Stat. § 31-19-1.</p>		
NEW YORK	A person is guilty of assault in the third degree when [] with intent to cause physical injury to	Misdemeanor.	No.	N/A	One year.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	another person, he causes such injury to such person or to a third person.  N.Y. Penal Code § 120.00(1).	N.Y. Penal Code § 120.00.			N.Y. Penal Code § 70.15.		
NORTH CAROLINA	Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor.  N.C. Gen. Stat. § 14-33.	Misdemeanor.  N.C. Gen. Stat. § 14-33.  [Stat max 6 months, <i>see</i> N.C. Gen. Stat. § 14-3.]	Yes.  N.C. Gen. Stat. § 14-33.2.	“ <b>Guilty of a class H felony</b> ” if the assault results in physical injury and if the person has two or more prior convictions for misdemeanor assault within the last 15 years.  N.C. Gen. Stat. § 14-33.2 (as of Dec. 1, 2004). Before Dec. 1, 2004, the repeater provision did not apply to simple assault.	Presumptive sentencing range of 16-30 months.  N.C. Gen. Stat. § 15A-1430.23.	Yes (but only when repeater provision converts the offense to a felony. Otherwise, no).	Yes.  No permit to carry a <b>concealed weapon will issue to a person convicted of a misdemeanor crime of violence.</b>  N.C. Gen. Stat. § 14-415.12.  As of 2004, a person convicted of a felony <b>may not possess any firearm.</b> N.C. Gen. Stat. § 14-415.1(b)(1).

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
NORTH DAKOTA	A person is guilty of an offense if that person [] willfully causes bodily injury to another human being.  N.D. Cent. Code § 12.1-17-01 (1).	Misdemeanor.  N.D. Cent. Code § 12.1-17-01 (2)(c) (Class B misdemeanor).	No.	N/A	Thirty days.  N.D. Cent. Code § 12.1-32-01(6).	No.	No.
OHIO	No person shall knowingly cause or attempt to cause physical harm to another or another's unborn.  Ohio Rev. Code § 2903.13(A).	Misdemeanor.  Ohio Rev. Code § 2903.13(C).	No.	N/A	One hundred eighty days.  Ohio Rev. Code § 2929.24(A)(1).	No.	Yes.  <b>A license to carry a concealed handgun</b> will not be issued to a person convicted of a misdemeanor offense of violence.  Ohio Rev. Code § 2923.125(D)(1)(f).

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
OKLAHOMA	A battery is any willful and unlawful use of force or violence upon the person of another.  Okla. Stat. tit. 21, § 642.	Misdemeanor.  Okla. Stat. tit. 21, § 644; <i>see id.</i> § tit. 21, § 10.	No.	N/A	Ninety days.	No.	Yes  (upon a second or subsequent conviction for assault and battery, <b>the person will not be issued a permit to carry a concealed weapon</b> for three years).  Okla. Stat. tit. 21, § 1290.11
OREGON	A person commits the crime of assault in the fourth degree if the person <input type="checkbox"/> intentionally, knowingly or recklessly causes physical injury to another.  Or. Rev. Stat. § 163.160(1)(a).	Misdemeanor.  Or. Rev. Stat. § 163.160(2)	No.  [Note: There is a repeater provision if the person was previously convicted of assault <i>against the same victim</i> , in which case it is a Class C felony].	N/A	One year.  Or. Rev. Stat. § 161.615(1).	No.	No  (unless the person is a juvenile).
PENNSYLVANIA A	A person is guilty of assault if he <input type="checkbox"/> attempts to cause or	Misdemeanor.	No.	N/A	Two years.	Yes.  JURY	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	intentionally, knowingly or recklessly causes bodily injury to another.  18 Pa. Cons. Stat. § 2701(a)(1).	18 Pa. Cons. Stat. § 2701(b) (second degree misdemeanor).			18 Pa. Cons. Stat. § 106(b)(7).		
RHODE ISLAND	Every person who shall make an assault or battery or both shall be imprisoned not exceeding one year.  R.I. Gen. Laws § 11-5-3.  “Battery” is defined by the Rhode Island Supreme Court “as an act that is intended to cause, and does cause, an offensive contact with, an unconsented touching of, or trauma upon the body of another, thereby generally resulting in the consummation of an assault.” <i>Fenwick v. Oberman</i> , 847 A.2d	Misdemeanor.  R.I. Gen. Laws. § 11-1-2.	No.	N/A	One year.  R.I. Gen. Laws § 11-5-3.	Yes.  HOLD OFFICE (only if sentenced to six months’ imprisonment or more, whether suspended or to be served)	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	852 (R.I. 2004).						
SOUTH CAROLINA	Simple assault and battery is “an unlawful act of violent injury to another, unaccompanied by any circumstances of aggravation.”  <i>State v. Tyndall</i> , 518 S.E.2d 278, 285 (S.C. Ct. App. 1999).	Misdemeanor.  S.C. Code §§ 22-3-540 to -560.	No.	N/A	Thirty days.	Yes.  VOTE (but only while serving a term of imprisonment).  HOLD OFFICE (only while serving term of imprisonment).	No.
SOUTH DAKOTA	Any person who [] intentionally causes bodily injury to another which does not result in serious bodily injury[,] is guilty of simple assault.  S.D. Codified Laws § 22-18-1(5).	Misdemeanor.  S.D. Codified Laws § 22-18-1 (Class 1 misdemeanor).	Yes.	Guilty of a <b>Class 6 felony</b> for any third or subsequent offense.  S.D. Codified Laws § 22-18-1.	Two years for Class 6 felony if repeater provision applies.  [One year if a misdemeanor.]  S.D. Codified Laws §§ 22-6-1.1, 22-6-2.	Yes  (if guilty of Class 6 felony for repeat offenses, otherwise no).	Yes  (if guilty of Class 6 felony for repeat offenses, otherwise no).
TENNESSEE	A person commits assault who [] intentionally, knowingly or	Misdemeanor.	No.	N/A	Eleven months, twenty-nine days.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	recklessly causes bodily injury to another.  Tenn. Code Ann. § 39-13-101(a).	Tenn. Code Ann. § 39-13-101(a).			Tenn. Code Ann. § 40-35-111(e).		
TEXAS	A person commits an offense if the person <input type="checkbox"/> intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse.  Tex. Penal Code § 22.01(a)(1).	Misdemeanor.  Tex. Penal Code § 22.01(b) (Class A misdemeanor).	Yes.  If previously convicted of Class A misdemeanor or any degree of felony.  Tex. Penal Code § 12.43(a).	Still a <b>misdemeanor</b> but w/ mandatory min. of 90 days and same stat max.  Tex. Penal Code § 12.43 (a)(2).	One year.  Tex. Penal Code §§ 12.21, 12.43.	No.	No.
UTAH	Assault is <input type="checkbox"/> an act, committed with unlawful force or violence, that causes bodily injury to another. Utah Code Ann. § 76-	Misdemeanor.  Utah Code Ann.	No.	N/A	Six months.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	5-102(1)(c).	§ 76-5-102(2) (Class B misdemeanor).			Utah Code Ann. § 76-3-204(2).		
VERMONT	A person is guilty of simple assault if he [] attempts to cause or purposely, knowingly or recklessly causes bodily injury to another.  Vt. Stat. Ann., tit. 13 § 1023(a)(1).	Misdemeanor.  Vt. Stat. Ann., tit. 13, §§ 1, 1023.	No.	N/A	One year.  Vt. Stat. Ann., tit. 13 § 1023(b).	No.	No.
VIRGINIA	Any person who commits a simple assault and battery shall be guilty of a Class 1 misdemeanor.  Va. Code Ann. § 18.2-57(A).  “Battery is the actually infliction of corporal hurt on another (e.g., the least touching of another person), willfully or in anger.” <i>Seegars v.</i>	Misdemeanor.  Va. Code Ann. § 18.2-57(A).	No.	N/A	One year.  Va. Code Ann. § 18.2-11(a).	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	<p><i>Commonwealth</i>, 445 S.E.2d 720, 722 (Va. Ct. App. 1994); <i>see also Adams v. Commonwealth</i>, 54 S.E.2d, 347, 350 (Va. Ct. App. 2000).</p> <p>[Note: there is a greater offense, malicious injury w/ intent to maim or kill, which is more serious and akin to assault w/ a dangerous weapon or aggravated assault as generically defined. Va. Code Ann. § 18.2-51.]</p>						
WASHINGTON	<p>A person is guilty of assault in the fourth degree if, under circumstances not amounting assault in the first, second, or third degree, or custodial assault, he or she assaults another.</p> <p>Wash. Rev. Code § 9A.36.041.</p>	Misdemeanor.	No.	N/A	<p>One year.</p> <p>Wash. Rev. Code § 9A20.021(c)(2)</p>	No.	<p>No</p> <p>(unless committed by <i>one family member against another</i>, Wash. Rev. Code § 9.41.040(2)(a)(i)).</p>

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	[Note: Assault in the first degree involves “great bodily harm”; assault in the second degree involves “substantial bodily harm;” assault in the third degree involves specified victims or assault w/ a weapon. <i>See</i> Wash. Rev. Code §§ 9A.36.011, .021, .031.]	9A.36.041(2) (gross misdemeanor).					
WEST VIRGINIA	If any person . . . unlawfully and intentionally causes physical harm to another person, he shall be guilty of a misdemeanor . . .  W. Va. Code § 61-2-9(c).	Misdemeanor.  W. Va. Code § 61-2-9(c).	No.	N/A	One year.  W. Va. Code § 61-2-9(c).	No.	No.
WYOMING	A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner or intentionally,	Misdemeanor.	No.	N/A	Six months.	No.	No.

## ASSAULT AND BATTERY CHART

STATE	Simple A & B Elements	Misdemeanor or Felony?	Applicable Repeater Provision?	Effect	Stat max (inc. repeater if applicable)	Civil Rights Taken Away?	Firearms Restrictions?
	knowingly or recklessly causes bodily injury to another.  Wyo. Stat. § 6-2-501(b).	Wyo. Stat. § 6-2-501(d).					