

1 of a felony and, upon conviction thereof, shall be fined not less
2 than \$1,000 nor more than \$3,000 and imprisoned in a state
3 correctional facility for not less than one year nor more than
4 three years, or both fined and imprisoned.

5 (b) If any person commits a battery, as defined in subsection
6 (c), section nine of this article, against the person of a child
7 under the age of fifteen years or to the person of someone who is
8 mentally incapacitated, regardless of age, the offender is guilty
9 of a felony and, upon conviction thereof, shall be fined not less
10 than \$3,000 nor more than \$10,000 and imprisoned in a state
11 correctional facility for not less than one year nor more than five
12 years, or both fined and imprisoned.

NOTE: The purpose of this bill is to creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated.

This section is new; therefore, it has been completely underscored.