

CHAPTER 252

BODILY HARM TO ANOTHER PROHIBITED

[History: Ord 1996-4]

252.01 DEFINITIONS.

(1) As used in this Chapter, "bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(2) As used in this Chapter, "with intent to" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(3) "Great Bodily Harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(4) "Child" has the meaning specified in Section 948.01(1) .

(5) "Person responsible for the child's welfare" includes the child's parent or guardian; an employee of a public or private residential home, institution or agency in which the child resides or is confined or that provides services to the child; or any other person legally responsible for the child's welfare in a residential setting.

252.02 BODILY HARM TO ANOTHER PROHIBITED. It shall be unlawful to cause 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.

252.03 PRIVILEGE AS A DEFENSE. The fact that the actor's conduct is privileged, although otherwise chargeable, is a defense to prosecution for any action based on that conduct. The defense of privilege can be claimed when the actor's conduct is reasonable discipline of a child by a person responsible for the child's welfare. Reasonable discipline may involve only such force as a reasonable person believes is necessary. It is never reasonable discipline to use force which is intended to cause great bodily harm or creates an unreasonable risk of great bodily harm.

252.04 PENALTY.

(1) A person who violates any provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture of:

(a) Not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars as adjudged by the court, plus the costs of prosecution as taxed and assessed by the Court, if the person has not committed a previous violation of this Chapter within twelve (12) months of the violation.

(b) Not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars as adjudged by the court, plus the costs of prosecution as taxed and assessed by the Court, if the person has committed a previous violation of this Chapter within twelve (12) months of this violation.

(c) Not less than two hundred (\$200.00) dollars nor more than four hundred (\$400.00) dollars as adjudged by the court, plus the costs of prosecution as taxed and assessed by the Court, if the person has committed two or more violations of this Chapter within twelve (12) months of this violation.

252.05 SEVERABILITY. If any provision or clause of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.