

SUBJECT: Enhancing punishment for assaults committed against sports officials

COMMITTEE: Criminal Jurisprudence — favorable, with amendment

VOTE: 5 ayes — Keel, Riddle, Ellis, Hodge, Talton
0 nays
4 absent — Denny, Dunnam, P. Moreno, Pena

WITNESSES: For — R.B. Alexander, Steven Ellinger, and Bob Hicks, Texas Association of Sports Officials
Against — None

BACKGROUND: Under Penal Code, sec. 22.01, it is a class C misdemeanor (maximum fine of \$500) if a person intentionally or knowingly threatens another with imminent bodily injury (assault by threat), or intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other person will regard the contact as offensive or provocative (assault by contact). However, it is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the victim of the offensive or provocative contact was an elderly or disabled individual.

DIGEST: HB 716, as amended, would enhance the penalty for assault by contact or assault by threat to a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the offense was committed against a person the offender knew was a sports official either while the official was performing duties in the capacity of a sports official or in retaliation for or on account of the official's performance of a duty within the capacity of a sports official.

Sports official would be defined as a person who serves in any official capacity with respect to an interscholastic, intercollegiate, or other organized amateur or professional athletic competition, including a referee, umpire, or linesman.

The bill would take effect on September 1, 2003.

**SUPPORTERS
SAY:**

HB 716 appropriately would enhance the penalty from a class C to a class B misdemeanor for assault by threat and assault by contact committed against a sports official. There recently has been a dramatic rise in assaults committed against sports officials at all levels of competition, which is why many states have passed legislation protecting them. HB 716 is necessary to deter would-be offenders from threatening sports officials or contacting them in an offensive or provocative manner.

HB 716 would help ensure that the public and the criminal justice system took these crimes seriously. Players, coaches, and fans have come to expect assaults against sports officials and assume that they are part of the game. Likewise, law enforcement officers and prosecutors are reluctant to pursue these charges. At inter-scholastic events, there is no security, and sports officials are helpless without the protection of the law.

There is a shortage of sports officials at the interscholastic level. Many officials volunteer or accept low pay because they love the game and being around kids. However, the retention rate is extremely low because of the poor treatment and abuse to which sports officials are subjected. HB 716 would help ensure that games were not cancelled due to a shortage of willing referees.

Sports officials are in a unique position, and it is appropriate to treat them differently than other victims under the assault law. They are a symbol of authority at games and, therefore, a lightning rod for abuse. Their job is to maintain order, and that duty is compromised when unruly players or spectators can get away with assaultive conduct. These assaults occur in a public forum and send the wrong message to school children that they can disrespect authority and get away with it. When persons are given free reign to threaten sports officials and contact them offensively or provocatively, it increases the likelihood that offenders will commit more dangerous assaults down the line.

Enhancements already exist under current law for assaults committed against certain groups such as the disabled and the elderly. Furthermore, an aggravated assault committed against a public servant who is performing an

official duty is enhanced to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) from a second-degree felony for standard aggravated assault (two to 20 years in prison and an optional fine of up to \$10,000). It would be a logical extension to add sports officials to the list of groups who receive added protection under assault statutes. Punishing youth under the rules of the school only addresses part of the problem because parents, who are not under the jurisdiction of the school, commit a large percentage of the assaults against sports officials.

**OPPONENTS
SAY:**

HB 719 is unnecessary because current law already prohibits assault by threat and assault by contact against any person, including sports officials. Punishing this conduct as a class C misdemeanor is appropriate because the victim does not suffer any bodily injury as a result. If the law is not being applied appropriately, then law enforcement and prosecutors need to be better educated about existing law. Furthermore, at the interscholastic level, youth who assault sports officials can be disciplined adequately under the rules of the school, whereas involving them in the criminal justice system would be undesirable.

Sports officials should not be treated differently than other victims of assaultive conduct. While it makes sense to enhance penalties for the disabled and the elderly because they are particularly vulnerable to physical abuse, it is illogical to do so for sports officials. Teachers, for example, are just as victimized as sports officials, and they are not carved out for special treatment.

NOTES:

The committee amendment would remove coaches, instructors, administrators, and staff members from the list of officials protected under the bill as filed.