

SUBJECT: Enhancing penalties for certain assaults on sports participants

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Herrero, Moody, Hunter, Leach, Shaheen, Simpson

0 nays

1 absent — Canales

WITNESSES: For — Michael Fitch, Texas Association of Sports Officials

Against — None

BACKGROUND: Under Penal Code, sec. 22.01 a person commits assault if the person:

- intentionally, knowingly, or recklessly causes bodily injury to another;
- intentionally or knowingly threatens another with imminent bodily injury; or
- intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Under sec. 22.01, an assault that causes bodily injury is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), with certain exceptions. An assault that does not cause bodily injury is a class C misdemeanor (maximum fine of \$500) with certain exceptions, including that if the offense is committed by someone who is not a sports participant against a sports participant, it is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

Sec. 22.01 defines sports participant as a person who participates in any official capacity with respect to an interscholastic, intercollegiate, or other organized amateur or professional athletic competition and includes an athlete, referee, umpire, linesman, coach, instructor, administrator or staff

member.

**DIGEST:** HB 1829 would enhance the penalty for a person, other than a sports participant who was an athlete younger than 19 years old, who committed an assault that did not cause bodily injury against a person whom the actor knew was a sports participant to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

This bill would take effect September 1, 2015, and would apply to offenses committed on or after that date.

**SUPPORTERS SAY:** HB 1829 would help ensure that participants in sporting events who committed assault were held accountable for their offenses. Under current law, non-participants who commit assault against a sports participant commit a class B misdemeanor, whereas participants who commit assault on a sports participant commit a class C misdemeanor. This disparity holds spectators to a higher standard than those who are participating in the sporting event.

This bill would fix the disparity and enhance the penalty for both participants and non-participants to a class A misdemeanor. Enhancing the penalties for assault on a sports participant would protect participants from violent acts and send a clear message that violent outbursts have no place in organized sports.

When the specific offense category for assaults against participants was added to the Penal Code, participants were excluded from the enhanced penalties to protect student athletes from receiving criminal penalties for incidents that occurred during the heat of competition. By excluding athlete participants younger than 19 years old from the enhancement, this bill would accomplish that goal, while still providing adequate punishment for other participants.

**OPPONENTS SAY:** Current law adequately punishes violent acts that occur during athletic competition, and HB 1829 would harshly punish activities that are generally not considered criminal. Under current law, offenses of assault

in which the actor actually injures another person are already punishable as class A misdemeanors. The offense is increased to aggravated assault, which is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the other person suffers serious bodily harm. These penalties are sufficient to adequately punish the most serious offenses of violence at sporting events.

The offenses covered under this bill could potentially include actions such as getting in a referee's face after a bad call or shoving another player after a contested play. Although these actions certainly should not be condoned, they also should not be punished as class A misdemeanors.