

1999 DRAFTING REQUEST

Bill

Received: 01/20/99

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Misha**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Battery to a sports official

Instructions:

See Attached

*Jacket for Assembly*  
*JED*

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 01/25/99	wjackson 01/27/99		_____			
/1			martykr 01/28/99	_____	lrb_docadmin 01/28/99	lrb_docadmin 05/10/99	

FE Sent For:

<END>

*Not Needed*

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/20/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Misha**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

**Topic:**

Battery to a sports official

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 01/25/99	wjackson 01/27/99		_____			
/1			martykr 01/28/99	_____	lrb_docadmin 01/28/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/20/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Misha**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

**Topic:**

Battery to a sports official

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	olsenje	1/27 jlg	Km 1/27	JA	<u>Km 1/28</u>		

FE Sent For:

<END>

1



PO as a 97-P Draft

For Kaufert by Misha

5254

Special circumstances battery for

"sports officials" →

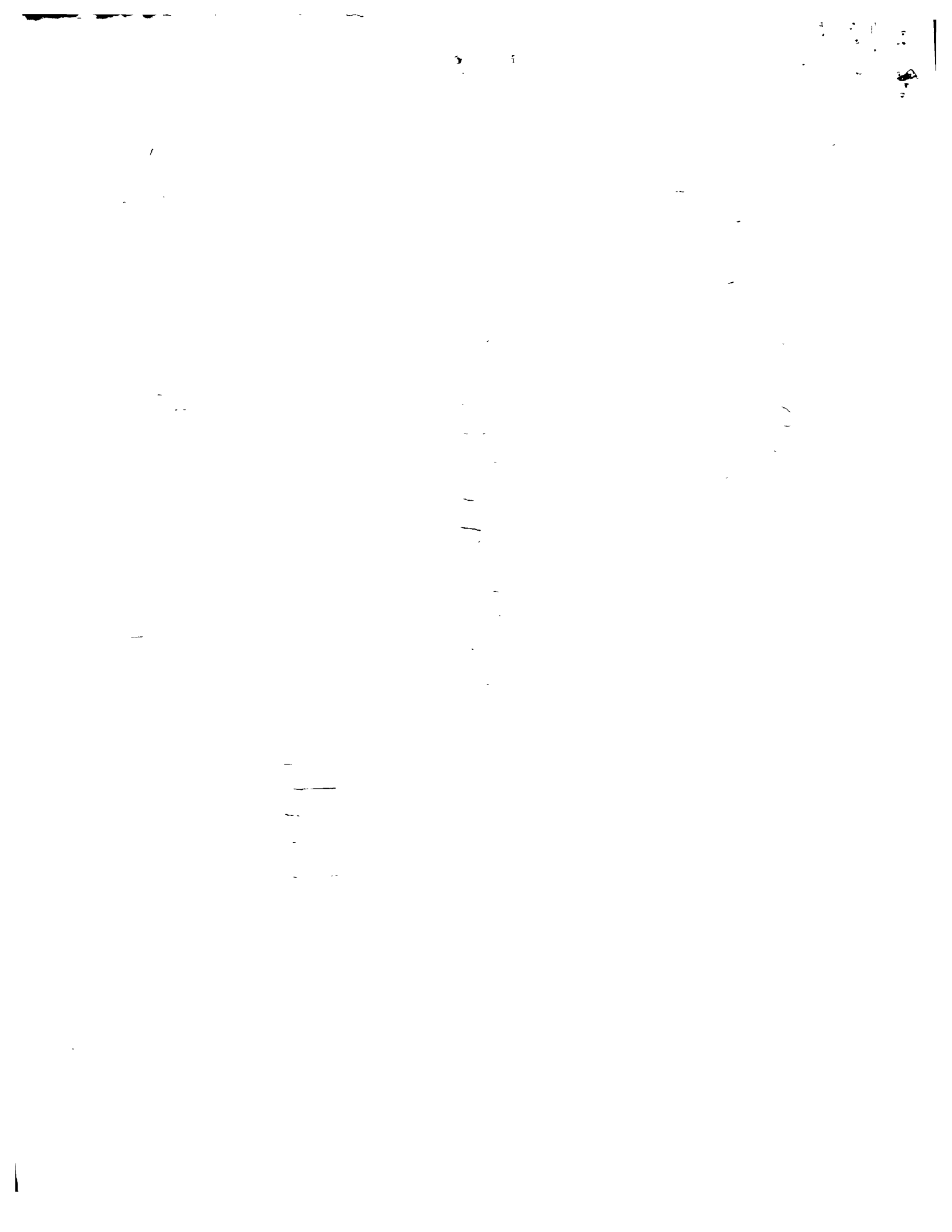
Class E felony

- KY
- ARK
- CAL
- DEL
- LA
- \* MN
- MT
- NJ
- NC
- OK
- PN
- WV

Penal Code 243.8

0280  
 2103  
 2457  
 4607  
 4608

1881  
 a 2007  
 50130  
 95 ACF 343



~~(807) 577-2735~~

✓38	KY	?
✓10	ARK	5-13-209 (misd)
✓43	CAL	Penal Code 243.8
✓17	DEL	11, § 614 (misd; rd - felony)
✓42	LA	
✓47	MN	12 § C. 08 (non crim)
✓62	MT	45-5-211 (misd)
✓68	NJ	2 2C:44-1 (8) class 1 (sentencing council)
✓78	NC	14-33 (b) (9) (misd)
	OK	21-§ 650.1 (misd) (one yr)
✓90	PN	§ 18-2712 (misd) (102, 5 yrs?)
✓113	WV	§ 61-2-15a (misd)





10TH DOCUMENT of Level 1 printed in FULL format.

ARKANSAS CODE OF 1987 ANNOTATED  
Copyright (c) 1987-1997 by The State of Arkansas  
All rights reserved.

\*\*\* CURRENT THROUGH THE 1997 SUPPLEMENT \*\*\*

TITLE 5. CRIMINAL OFFENSES  
SUBTITLE 2. OFFENSES AGAINST THE PERSON  
CHAPTER 13. ASSAULT AND BATTERY  
SUBCHAPTER 2. OFFENSES GENERALLY

Ark. Stat. Ann. § 5-13-209 (1997)

§ 5-13-209. Abuse of athletic contest officials

Any person, with the purpose of causing physical injury to another person, who shall strike or otherwise physically abuse an athletic contest official immediately prior to, during, or immediately following an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest in which the athletic contest official is participating shall be guilty of a Class A misdemeanor.

HISTORY: Acts 1987, No. 355, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this part, article, subchapter, chapter, subtitle, or title.

13TH DOCUMENT of Level 1 printed in FULL format.

DEERING'S CALIFORNIA CODES ANNOTATED  
Copyright 1998 LEXIS Law Publishing, a division of Reed Elsevier Inc.  
All rights reserved.

\*\*\* THIS SECTION IS CURRENT THROUGH THE 1998 SUPPLEMENT (1997 SESSION)

\*\*\*

\*\*\* INCLUDING URGENCY LEGISLATION THROUGH CHAPTER 3, 3/2/98 \*\*\*

PENAL CODE  
PART 1. Crimes and Punishments  
TITLE 8. Crimes Against the Person  
CHAPTER 9. Assault and Battery

Cal Pen Code § 243.8 (1997)

§ 243.8. Battery against sports official

(a) When a battery is committed against a sports official immediately prior to, during, or immediately following an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest in which the sports official is participating, and the person who commits the offense knows or reasonably should know that the victim is engaged in the performance of his or her duties, the offense shall be punishable by a fine not exceeding two thousand dollars (\$ 2,000), or by imprisonment in the county jail not exceeding one year, or by both that fine and imprisonment.

(b) For purposes of this section, "sports official" means any individual who serves as a referee, umpire, linesman, or who serves in a similar capacity but may be known by a different title or name and is duly registered by, or a member of, a local, state, regional, or national organization engaged in part in providing education and training to sports officials.

HISTORY:

Added Stats 1991 ch 575 § 1 (AB 925).

17TH DOCUMENT of Level 1 printed in FULL format.

DELAWARE CODE ANNOTATED  
Copyright (c) 1975-1997 by The State of Delaware  
All rights reserved.

\*\*\* THIS SECTION IS CURRENT THROUGH THE 1997 SUPPLEMENT \*\*\*  
\*\*\* (1997 REGULAR SESSION OF THE 139TH GENERAL ASSEMBLY) \*\*\*

TITLE 11. CRIMES AND CRIMINAL PROCEDURE  
PART I. DELAWARE CRIMINAL CODE  
CHAPTER 5. SPECIFIC OFFENSES  
SUBCHAPTER II. OFFENSES AGAINST THE PERSON  
SUBPART A. ASSAULTS AND RELATED OFFENSES

11 Del. C. § 614 (1997)

§ 614. Assault on a sports official

(a) Any person who intentionally causes physical injury to a sports official who is acting in the lawful performance of duty shall be guilty of a class A misdemeanor. Upon conviction for a 2nd or subsequent offense under this section, such person shall be guilty of a class G felony.

(b) For purposes of this section, the words "sports official" shall mean any person who serves as a referee, umpire, line judge or in any similar capacity in supervising or administering a sports event, and who is registered as a member of a local, state, regional or national organization which provides training or educational opportunities for sports officials.

HISTORY: 67 Del. Laws, c. 247, § 1; 70 Del. Laws, c. 186, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading, subchapter, chapter, part or title.

79485

38TH DOCUMENT of Level 1 printed in FULL format.

KENTUCKY ADVANCE LEGISLATIVE SERVICE  
STATENET  
Copyright (c) 1998 by Information for Public Affairs, Inc.

KENTUCKY 1998 REGULAR SESSION

HOUSE BILL 90

1998 Ky. HB 90

SYNOPSIS: AN ACT relating to assault of sport officials.

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

-----  
To view the next section, type .np\* TRANSMIT.  
To view a specific section, transmit p\* and the section number. e.g. p\*1  
-----

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

[\*1] SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO READ AS FOLLOWS:

[A> (1) A PERSON IS GUILTY OF ASSAULT OF A SPORTS OFFICIAL WHEN HE INTENTIONALLY CAUSES PHYSICAL INJURY TO A SPORTS OFFICIAL: <A]

[A> (A) WHO WAS PERFORMING SPORTS OFFICIAL DUTIES AT THE TIME THE PHYSICAL INJURY WAS PERPETRATED; OR <A]

[A> (B) IF THE PHYSICAL INJURY OCCURS WHILE THE SPORTS OFFICIAL IS ARRIVING AT OR DEPARTING FROM THE ATHLETIC FACILITY AT WHICH THE ATHLETIC EVENT OCCURRED. <A]

[A> (2) FOR THE PURPOSES OF THIS SECTION, "SPORTS OFFICIAL" MEANS AN INDIVIDUAL WHO SERVES AS A REFEREE, UMPIRE, LINESMAN, OR IN A SIMILAR CAPACITY THAT MAY BE KNOWN BY ANOTHER TITLE, AND WHO IS DULY REGISTERED AS OR IS A MEMBER OF A NATIONAL, STATE, REGIONAL, OR LOCAL ORGANIZATION ENGAGED, IN PART, IN PROVIDING EDUCATION AND TRAINING TO SPORTS OFFICIALS. <A]

[A> (3) A PERSON WHO IS GUILTY OF ASSAULT OF A SPORTS OFFICIAL SHALL, FOR A FIRST OFFENSE, BE GUILTY OF A CLASS A MISDEMEANOR, UNLESS THE DEFENDANT ASSEMBLES WITH FIVE (5) OR MORE PERSONS FOR THE PURPOSE OF ASSAULTING A SPORTS OFFICIAL, IN WHICH CASE IT IS A CLASS D FELONY. <A]

[A> (4) A PERSON WHO IS GUILTY OF ASSAULT OF A SPORT OFFICIAL SHALL, FOR A SECOND OR SUBSEQUENT OFFENSE, BE GUILTY OF A CLASS D FELONY. <A]

HISTORY:

Approved by the Governor on April 10, 1998

SPONSOR: Cave

42ND DOCUMENT of Level 1 printed in FULL format.

LOUISIANA STATUTES

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 1998 SUPPLEMENT (1997 SESSION) \*\*\*

LOUISIANA REVISED STATUTES  
TITLE 14. CRIMINAL LAW  
CHAPTER 1. CRIMINAL CODE  
PART II. OFFENSES AGAINST THE PERSON  
SUBPART B. ASSAULT AND BATTERY (WITH RELATED OFFENSES)

La. R.S. 14:34.4 (1998)

*School only*

34.4. Battery of a school athletic contest official

A. (1) Battery of a school athletic contest official is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic contest official.

(2) For purposes of this Section, "school athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private secondary school while actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.

B. (1) Whoever commits the crime of battery of a school athletic contest official shall be fined not more than five hundred dollars and imprisoned not less than fifteen days nor more than six months without benefit of suspension of sentence.

(2) The court, in its discretion, may suspend the imposition of the sentence and place the offender on probation with the condition that he shall serve two days in jail or perform five days of community service work. Failure to successfully complete the community service work, as determined by the supervisor of the program to which he is assigned, may result in revocation of probation.

47TH DOCUMENT of Level 1 printed in FULL format.

MINNESOTA STATUTES 1997

\*\*\* THIS SECTION IS CURRENT THROUGH THE 1997 LEGISLATIVE SESSIONS \*\*\*

Education Code: Prekindergarten - Grade 12  
CHAPTER 128C HIGH SCHOOL LEAGUE

Minn. Stat. § 128C.08 (1997)

128C.08 Assaulting a sports official prohibited

Subdivision 1. Definitions. For the purposes of this section, the following terms have the meaning given in this subdivision.

"Assault" is (1) an act done with intent to cause fear in another of immediate bodily harm or death, or (2) the infliction of or attempt to inflict bodily harm upon another.

"Sports official" is a person who serves as an umpire, referee, judge, linesperson, timer, scorekeeper, or in another similar capacity for an interscholastic athletic activity.

"Interscholastic athletic activity" or "activity" means an interscholastic athletic activity whose control, supervision, and regulation have been delegated to the Minnesota state high school league pursuant to section 128C.01.

Subd. 2. Prohibited conduct. Any person who assaults a sports official in connection with an interscholastic athletic activity may be excluded from attending an activity for up to 12 months.

Subd. 3. Sanction. The board of directors of the Minnesota state high school league or a school board may exclude any person except as provided in subdivision 5.

The board of directors of the Minnesota state high school league may exclude a person from:

- (1) any activity of the kind in connection with which the assault occurred;
- or
- (2) all interscholastic athletic activities.

A school board may exclude a person from any activity sponsored or participated in by the school district.

Subd. 4. Procedure. The board of directors of the Minnesota state high school league or a school board may exclude a person from any interscholastic athletic activity if the person assaulted a sports official in connection with an activity. A person alleged to have assaulted a sports official shall be entitled to an informal hearing on the matter by the board of directors of the Minnesota state high school league or school board. Upon finding that the person assaulted a sports official, the board of directors of the Minnesota

## Minn. Stat. § 128C.08 (1997)

state high school league or school board shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the person is excluded.

§

Subd. 5. Head varsity coach. A head varsity coach may be excluded under this section only by the school board employing the coach.

## HISTORY:

1991 c 168 s 1; 1995 c 186 s 119



62ND DOCUMENT of Level 1 printed in FULL format.

MONTANA CODE ANNOTATED

\*\*\*THIS DOCUMENT IS CURRENT THROUGH THE 1997 SESSION\*\*\*

TITLE 45 CRIMES  
CHAPTER 5 OFFENSES AGAINST THE PERSON  
PART 2 ASSAULT AND RELATED OFFENSES

Mont. Code Anno., § 45-5-211 (1997)

45-5-211 Assault upon sports official.

(1) A person commits the offense of assault upon a sports official if, while a sports official is acting as an official at an athletic contest in any sport at any level of amateur or professional competition, the person:

(a) purposely or knowingly causes bodily injury to the sports official;

(b) negligently causes bodily injury to the sports official with a weapon;

(c) purposely or knowingly makes physical contact of an insulting or provoking nature with the sports official; or

(d) purposely or knowingly causes reasonable apprehension of bodily injury in the sports official.

(2) A person convicted of assault upon a sports official shall be fined an amount not to exceed \$ 1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

HISTORY:

En. Sec. 1, Ch. 408, L. 1993.

NOTES:

Chapter Compiler's Comments

Annotator's Note -- Source: The compiler's comments entitled "Annotator's Note" are taken from the Montana Criminal Code of 1973 Annotated (1980 rev. ed.) produced by the Montana Criminal Law Information Research Center (MONTCLIRC) and printed under cosponsorship of the State Bar of Montana. Minor revisions have been made to conform to the style and format of the annotations.

R.C.M. Section Reference: See Cross-Reference Table preceding the annotations to Title 45 for former R.C.M. sections.

NOTES:

Part Law Review Articles

"Substantial Risk of Death" in the Montana Aggravated Assault Statute--State v. Fuger, Boggs, 38 Mont. L. Rev. 414 (1977).

§

Criminal Assault in Montana: A New Face for an Old Code. MacKenzie, 35 Mont. L. Rev. 178 (1974).

#### Part Collateral References

Fact that gun was unloaded as affecting criminal responsibility. 68 ALR 4th 507.

68TH DOCUMENT of Level 1 printed in FULL format.

NEW JERSEY STATUTES  
Copyright (c) 1998 by LEXIS Law Publishing,  
a division of Reed Elsevier Inc.  
All rights reserved.

\*\*\* THIS SECTION IS CURRENT THROUGH P.A. 1998, CH. 5 \*\*\*  
\*\*\* (208TH LEGISLATURE, FIRST ANNUAL SESSION) \*\*\*

TITLE 2C. THE NEW JERSEY CODE OF CRIMINAL JUSTICE  
SUBTITLE 3. SENTENCING  
CHAPTER 44. AUTHORITY OF COURT

N.J. Stat. § 2C:44-1 (1998)

§ 2C:44-1. Criteria for withholding or imposing sentence of imprisonment

a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public

servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of his duties or because of the person's status as a sports official, coach or manager;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

§

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a., except that this subsection shall not apply if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; or eluding.

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S. 2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S. 2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15

years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

§

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2) or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

HISTORY: L. 1989, c.23, s.4; 1993, c.123, s.1; 1993, c.132, s.1; 1993, c.135; 1995, c.6, s.2.

78TH DOCUMENT of Level 1 printed in FULL format.

GENERAL STATUTES OF NORTH CAROLINA  
 Copyright (c) 1944-1997 by Michie,  
 a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.  
 All rights reserved.

\*\*\* THIS SECTION IS CURRENT THROUGH THE 1997 SUPPLEMENT \*\*\*

CHAPTER 14. CRIMINAL LAW  
 SUBCHAPTER III. OFFENSES AGAINST THE PERSON  
 ARTICLE 8. ASSAULTS

N.C. Gen. Stat. § 14-33 (1997)

§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments

(a) 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.

(b) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class 1 misdemeanor if, in the course of the assault, assault and battery, or affray, he:

(1) through (3) Repealed by Session Laws 1995, c. 507, s. 19.5(b), effective December 1, 1995;

(4) through (7) Repealed by Session Laws 1991, c. 525, s. 1;

(8) Repealed by Session Laws 1995, c. 507, s. 19.5(b), effective December 1, 1995;

(9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A "sports official" is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A "sports event" includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

(1) Inflicts serious injury upon another person or uses a deadly weapon;

(2) Assaults a female, he being a male person at least 18 years of age;

(3) Assaults a child under the age of 12 years;

§

(4) Assaults an officer or employee of the State or any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties; or

(5) Assaults a school bus driver, school bus monitor, or school employee who is boarding the school bus or who is on the school bus.

HISTORY: 1870-1, c. 43, s. 2; 1873-4, c. 176, s. 6; 1879, c. 92, ss. 2, 6; Code, s. 987; Rev., s. 3620, 1911, c. 193; C.S., s. 4215; 1933, c. 189; 1949, c. 298; 1969, c. 618, s. 1; 1971, c. 765, s. 2; 1973, c. 229, s. 4; c. 1413; 1979, cc. 524, 656; 1981, c. 180; 1983, c. 175, ss. 6, 10; c. 720, s. 4; 1985, c. 321; 1991, c. 525, s. 1; 1993, c. 286, s. 1; c. 539, s. 16; 1994, Ex. Sess., c. 14, s. 3; c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 687, s. 1; 1995, c. 507, s. 19.5(b).

NOTES:

EDITOR'S NOTE. --Session Laws 1991, c. 525, s. 3 provides that prosecutions for offenses committed before October 1, 1991, are not abated or affected by c. 525, which deleted subdivisions (4) to (7) and added subdivision (8), and that the statutes that would be effective but for c. 525 remain applicable to those prosecutions.

Session Laws 1993, c. 539, s. 16, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1994, Extra Session, c. 14, s. 73 provides: "Prosecutions for offenses committed before the effective date of this act [October 1, 1994] are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1995, c. 352, s. 1, added a subdivision (b)(10), effective December 1, 1995. That subdivision (b)(10) was deleted by Session Laws 1995, c. 507, s. 19.5(b), effective December 1, 1995.

Session Laws 1995, c. 507, s. 1.1, provides that this act shall be known and cited as the Expansion and Capital Improvements Appropriations Act of 1995.

Session Laws 1995, c. 507, s. 28.12 is a severability clause.

Session Laws 1994, Extra Session, c. 14, s. 3, which amended this section, was effective on the same date that Chapter 539 of the 1993 Session Laws became effective (October 1, 1994), and applicable to offenses occurring on or after that date.

Session Laws 1993 (Reg. Sess., 1994), c. 687, s. 1, which amended this section, was effective October 1, 1994, and applicable to offenses occurring on or after that date.

Session Laws 1995, c. 352, s. 1, amended this section effective December 1, 1995, and applicable to offenses committed on or after that date.

Session Laws 1995, c. 507, s. 19.5(b), amended this section effective December 1, 1995, and applicable to offenses committed on or after that date.

LEGAL PERIODICALS. --For note as to the "show of violence" rule in North Carolina relative to an assault on a female, see 36 N.C.L. Rev. 198 (1958).



90TH DOCUMENT of Level 1 printed in FULL format.

PENNSYLVANIA STATUTES

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 1997 SUPPLEMENT (1996 SESSIONS) \*\*\*

TITLE 18. CRIMES AND OFFENSES  
PENNSYLVANIA CONSOLIDATED STATUTES  
PART II. DEFINITION OF SPECIFIC OFFENSES  
ARTICLE B. OFFENSES INVOLVING DANGER TO THE PERSON  
CHAPTER 27. ASSAULT

18 Pa.C.S. § 2712 (1997)

[Pa.C.S.] § 2712. Assault on sports official

(A) OFFENSE DEFINED.-- A person who violates section 2701 (relating to simple assault), where the victim is a sports official who was assaulted during a sports event or was assaulted as a result of his or her official acts as a sports official, is guilty of assault on a sports official.

cf 94D 2  
(3) & (4)

(B) GRADING.-- Assault on a sports official is a misdemeanor of the first degree.

(C) DEFINITIONS.-- As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"SPORTS EVENT." Any interscholastic athletic activity in a junior high school, high school, college or university in this Commonwealth or any other organized athletic activity in this Commonwealth, including a professional or semiprofessional event.

"SPORTS OFFICIAL." A person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. The term includes a trainer, team attendant, game manager, athletic director, assistant athletic director, president, dean, headmaster, principal and assistant principal of a school, college or university.

113TH DOCUMENT of Level 1 printed in FULL format.

WEST VIRGINIA CODE ANNOTATED  
Copyright (c) 1966-1998 by LEXIS Law Publishing,  
a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.  
All rights reserved.

\*\*\* THIS SECTION IS CURRENT THROUGH THE 1998 SUPPLEMENT \*\*\*  
\*\*\* (1998 REGULAR SESSION) \*\*\*  
\*\*\* (1998 FIRST EXTRAORDINARY SESSION) \*\*\*

CHAPTER 61. CRIMES AND THEIR PUNISHMENT  
ARTICLE 2. CRIMES AGAINST THE PERSON

W. Va. Code § 61-2-15a (1998)

§ 61-2-15a. Assault, battery on athletic officials; penalties

(a) If any person commits an assault as defined in subsection (b), section nine [§ 61-2-9(b)] of this article, to the person of an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars, and imprisoned in the county jail not less than twenty-four hours nor more than thirty days.

(b) If any person commits a battery, as defined in subsection (c), section nine [§ 61-2-9(c)] of this article, against an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned in the county jail not less than twenty-four hours nor more than thirty days.

(c) For the purpose of this section, "athletic official" means a person at a sports event who enforces the rules of that event, such as an umpire or referee, or a person who supervises the participants, such as a coach.

HISTORY: 1993, c. 32.

NOTES:

EDITOR'S NOTES. --Former § 61-2-15a (enacted by Acts 1969, c. 34) was repealed by Acts 1976, c. 43. For present provisions relating to sexual offenses, see § 61-8B-1 et seq.

USER NOTE: For more generally applicable notes, see notes under the first section of this part, article, or chapter.

(?) "Sport<sup>s</sup> event" means any interscholastic or intramural athletic activity in a primary, middle, junior high<sup>g or</sup> or high school, a college or a university, any organized athletic activity sponsored by a community, business or nonprofit organization, any athletic activity ~~in a~~ professional or semiprofessional ~~event~~ and any other organized athletic activity??????

(?) "Sports official" means any of the following:

~~1. A referee, umpire, judge, linesperson, timer, scorekeeper or other person at a sporting event who conducts or supervises the sporting event or enforces the rules of the sporting event.~~

~~2. A coach, manager or other person who supervises the players or other participants in the sporting event.~~

(b) Whoever intentionally causes bodily harm to a sports official <sup>official must be @ event per def.?</sup> while the sports official is acting as an official at a sporting event, or <sup>during a sporting event</sup> at any time as a result of <sup>in order to influence the acts of</sup> the official <sup>of</sup> and the person knows or has reason to know that the victim is a sports official <sup>is this needed if it must be done as a result of official's acts?</sup>, by an act done without the consent of the person ~~so~~ injured, is guilty of a Class E felony.

NB: Need to dnote some 940.20 x-refs and consider adding refs to new sub. (8) to other stats x-refing other 940.20 subs.

**SECTION 2. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection.

(END)

D-N follows (3) & (4) cf. other state laws....

coach, manager, instructor

during a sporting event

in order to influence the acts of official

any act

act on



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-5304/P1

JEO: n:...

Jlg

Soon

D-Neke

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

gen cat

1 AN ACT ...; relating to: battery to a sports official and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, ordinary battery (intentionally causing bodily harm to another person without consent) is a Class A misdemeanor, which is punishable by imprisonment of not more than 9 months or a fine of not more than \$10,000 or both. However, current law also provides for felony penalties for ordinary battery that is committed under certain special circumstances. Under these so-called "special circumstances" batteries, it is a felony to commit ordinary battery against law enforcement officers, fire fighters, probation and parole agents, witnesses, jurors, school district officers and employes, public transit vehicle operators and passengers, emergency medical technicians, ambulance drivers and certain public officials.

This bill makes it a Class E felony for a person to commit an ordinary battery against a sports official because of any official act of the sports official or in order to influence the official acts of the sports official. A Class E felony is punishable by imprisonment of not more than 2 years or a fine of not more than \$10,000 or both.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 940.20 (8) of the statutes is created to read:

3 940.20 (8) BATTERY TO SPORTS OFFICIAL. (a) In this subsection:



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-5304/P1dn

JEO:.....

Jig

Misha:

This is a preliminary draft for your review. It is based on my review of the laws of the 12 states that have addressed battery to a sports official or athletic contest official. Please review the draft carefully to make sure that it does what you want it to do. Note the following when reviewing the draft:

1. The laws dealing with battery to sports officials vary in their approach. Most of the other states (Arkansas, California, Louisiana, Montana, North Carolina, Oklahoma, Pennsylvania and West Virginia) make battery to a sports official a misdemeanor, not a felony, though the maximum amount of imprisonment for those misdemeanors ranges from several months to several years. A few of the states provide that the offense is a misdemeanor under some circumstances but a felony under other circumstances (in Delaware and Kentucky a second offense is a felony; in Kentucky, assembling with 5 or more other persons to batter a sports official is a felony). Minnesota covers only interscholastic athletics and instead of providing criminal penalties allows only for exclusion from other interscholastic athletics. New Jersey does not have a specific crime of battery to a sports official, but provides that the fact that the victim was a sports official is a factor that the sentencing court must consider when deciding whether to impose a sentence of imprisonment.

2. The other states that I looked at varied in their definition of "sports official" (or "athletic contest official"). A few definitions were limited to persons registered by or members of an organization providing education and training to sports officials. This draft does not include such a limitation, but covers anyone acting in certain capacities at a sports event, including (like some states) coaches and managers. Is that your intent, or do you want a narrower or broader definition?

3. Some of the other states require that the battery be committed during the sports event or "immediately" before or after the event. Once again, this draft takes a broader approach, and prohibits battery either to retaliate for the official's acts or intimidate the official into doing certain things in the future. (Compare current s. 940.20 (3) and (4), stats.) Does the draft effect your intent on this point?

4. Finally, the definition of "sports event" is quite broad. It is based on language from several of the other states' laws. Does it cover what you want it to cover?

Please let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
266-8906

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-5304/P1dn

JEO:jljg:jf

September 2, 1998

Misha:

This is a preliminary draft for your review. It is based on my review of the laws of the 12 states that have addressed battery to a sports official or athletic contest official. Please review the draft carefully to make sure that it does what you want it to do. Note the following when reviewing the draft:

1. The laws dealing with battery to sports officials vary in their approach. Most of the other states (Arkansas, California, Louisiana, Montana, North Carolina, Oklahoma, Pennsylvania and West Virginia) make battery to a sports official a misdemeanor, not a felony, though the maximum amount of imprisonment for those misdemeanors ranges from several months to several years. A few of the states provide that the offense is a misdemeanor under some circumstances but a felony under other circumstances (in Delaware and Kentucky a second offense is a felony; in Kentucky, assembling with 5 or more other persons to batter a sports official is a felony). Minnesota covers only interscholastic athletics and instead of providing criminal penalties allows only for exclusion from other interscholastic athletics. New Jersey does not have a specific crime of battery to a sports official, but provides that the fact that the victim was a sports official is a factor that the sentencing court must consider when deciding whether to impose a sentence of imprisonment.

2. The other states that I looked at varied in their definition of "sports official" (or "athletic contest official"). A few definitions were limited to persons registered by or members of an organization providing education and training to sports officials. This draft does not include such a limitation, but covers anyone acting in certain capacities at a sports event, including (like some states) coaches and managers. Is that your intent, or do you want a narrower or broader definition?

3. Some of the other states require that the battery be committed during the sports event or "immediately" before or after the event. Once again, this draft takes a broader approach, and prohibits battery either to retaliate for the official's acts or intimidate the official into doing certain things in the future. (Compare current s. 940.20 (3) and (4), stats.) Does the draft effect your intent on this point?

4. Finally, the definition of "sports event" is quite broad. It is based on language from several of the other states' laws. Does it cover what you want it to cover?

Please let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
266-8906

1999

Date (time) needed \_\_\_\_\_

LRB - 1899 / 1 / 1

BILL

JEO : WLJ :  
+  
jlg

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: .....

.....  
.....  
.....  
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: ..... create → anal: → title: → head

For the subheading [old =S], execute: ..... create → anal: → title: → sub

For the sub-subheading [old =P], execute: ..... create → anal: → title: → sub-sub

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.







State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-5304/P1  
JEO:jlg:jf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 ~~AN ACT to create~~ 940.20 (8) of the statutes; ~~relating to~~ battery to a sports official  
2 and providing a penalty. ✓

**Analysis by the Legislative Reference Bureau**

nine

Under current law, ordinary battery (intentionally causing bodily harm to another person without consent) is a Class A misdemeanor, which is punishable by imprisonment of not more than 9 months or a fine of not more than \$10,000 or both. However, current law also provides for felony penalties for ordinary battery that is committed under certain special circumstances. Under these so-called "special circumstances" batteries, it is a felony to commit ordinary battery against law enforcement officers, fire fighters, probation and parole agents, witnesses, jurors, school district officers and employes, public transit vehicle operators and passengers, emergency medical technicians, ambulance drivers and certain public officials.

two

This bill makes it a Class E felony for a person to commit an ordinary battery against a sports official because of any official act of the sports official or in order to influence the official acts of the sports official. A Class E felony is punishable by imprisonment of not more than 2 years or a fine of not more than \$10,000 or both.

✓  
ANALYSIS  
INSERT

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 SECTION 1. 940.20 (8) ✓ of the statutes is created to read:

1 940.20 (8) BATTERY TO SPORTS OFFICIAL. (a) In this subsection:

2 1. "Sports event" means any organized athletic activity, including  
3 interscholastic or intercollegiate athletic activity, intramural athletic activity  
4 organized or conducted by an elementary or secondary school or a college or  
5 university, any organized athletic activity sponsored by a community, business or  
6 nonprofit organization and any professional or semiprofessional athletic activity.

7 2. "Sports official" means a referee, umpire, judge, linesperson, timekeeper,  
8 scorekeeper, ~~coach manager~~ or other person at a sports event who, while present at  
9 the sports event, conducts or supervises the sports event, <sup>er</sup>enforces the rules of the  
10 sports event ~~or supervises the players or other participants in the sports event.~~ <sup>period stays</sup>

11 (b) Whoever intentionally causes bodily harm to a sports official because of any  
12 official act of the sports official or in order to influence the official acts of the sports  
13 official, without the consent of the person injured, is guilty of a Class E felony. ✓

14 **SECTION 2. Initial applicability.**

15 (1) This act first applies to offenses committed on the effective date of this  
16 subsection. ✓

17 (END)

Analysis Insert

LRB-1999/1 ins

JED :

if  
(not), if the offense occurs before December  
31, 1999, or by imprisonment of not  
more than five years or a fine of not  
more than \$10,000 or both, if the  
offense occurs on or after December  
31, 1999.