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Bill Analysis
Legislative Service Commission

S.B. 90

123rd General Assembly
(As Introduced)

Sens. Schafrath, Watts, Latta

BILL SUMMARY

- Provides that assault is a felony of the fifth degree when the victim is a sports official and the offense occurs at a location, or parking area associated with a location, where a sport or athletic game or contest is conducted and the sports official expects to exercise, is exercising, or has exercised officiating duties.
- Defines "sports official."

CONTENT AND OPERATION

Definition of "sports official"

The bill defines, for purposes of the penalty increase for "assault" that is outlined below, the term "sports official" to mean any person who acts or expects to act as an umpire, referee, or judge in, or otherwise to officiate at, a professional, amateur, recreational, interscholastic, or intercollegiate sport or athletic game or contest that is viewed by the public (R.C. 2903.13(C)(4)(i)).

Increasing the penalty for assault on a sports official

Existing law

Existing law prohibits a person from knowingly causing or attempting to cause physical harm to another person or to another person's unborn. Existing law also prohibits a person from recklessly causing serious physical harm to another or to another's unborn. Whoever violates this prohibition is guilty of assault. (R.C. 2903.13(A) and (B).)

Assault is a misdemeanor of the first degree unless one of the following applies (R.C. 2903.13(C)):

(1) Assault is a felony of the fourth degree if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.

(2) Assault is a felony of the third degree if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care and if the offender has a prior conviction for assault, felonious assault, or failing to provide for a functionally impaired person when the victim was a functionally impaired person under the offender's care.

(3) Assault is a felony of the fifth degree if the offense is committed in any of the following circumstances: (a) the offense occurs in or on the grounds of a state correctional institution or an institution of the Department of Youth Services (DYS), the victim is an employee of the Department of Rehabilitation and Correction (DRC), DYS, or a probation department or is on those premises for business purposes (business invitee) or as a visitor, and the offender is institutionalized in the institution, a probationer or parolee, or by an offender under some type of supervision by a government agency, (b) the offense occurs in or on the grounds of a local correctional facility, the victim is an employee of the facility or a probation department, a business invitee, or a visitor, and the offense is committed by a person under custody in the facility, (c) the offense occurs off the grounds of a state correctional institution or institution of DYS, the victim is an employee of DRC, DYS, or a probation department, the offense occurs while the employee is doing official work, and the offender is incarcerated or institutionalized in the institution who temporarily is outside the institution for any purpose, a probationer or parolee, or an offender under any type of supervision by a government agency, (d) the offense occurs off the grounds of a local correctional facility, the victim is an employee of the facility or a probation department, the offense occurs while the employee is engaged in official work, and the offender is under custody in the facility who temporarily is outside of the facility for any purpose, a probationer or parolee, or an offender under any type of supervision by a government agency, or (e) the victim is a school teacher or administrator or a school bus operator, and the offense occurs on school premises or a school bus or while the victim is outside those premises while engaged in duties or official responsibilities.

Therefore, under current law, if a sports official is assaulted while engaged in his officiating duties, or within a reasonable proximity of the location where those duties are performed, assault is a misdemeanor of the first degree.

Operation of the bill--increased penalty for assault on a sports official

Under the bill, assault also is a felony of the fifth degree if both of the following apply: (1) the victim is a sports official, and the assault occurs in, on, or

within any building, structure, athletic playing field, or playground at which a sport or athletic game or contest is conducted and at which the sports official victim expects to officiate, is officiating, or has officiated, or (2) the victim is a sports official, and the assault occurs in or within any parking facility or other area designated for parking at a sport or athletic game or contest at which the sports official expects to officiate, is officiating, or has officiated (R.C. 2903.13(C)(2)(f)).

HISTORY

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