



S.B. 19

125th General Assembly
(As Introduced)

Sen. Coughlin

BILL SUMMARY

- Provides that the offense of "assault" is a felony of the fifth degree when the victim is a sports official and the offense occurs at a location, or a parking area associated with a location, where is conducted a sport or athletic game or contest that the sports official expects to officiate, is officiating, or has officiated.
- Defines "sports official" for purposes of the penalty provision described in the preceding paragraph as a person who acts or expects to act as an umpire, referee, or judge in, or otherwise officiates or expects to officiate at, a professional, amateur, recreational, interscholastic, or intercollegiate sport or athletic game or contest viewed by the public.

CONTENT AND OPERATION

Definition of "sports official"

The bill defines, for purposes of the statute containing the offense of "assault" and, thus, the penalty increase for that offense 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 officiates or expects 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(D)(10)).

Increased penalty for assault on a sports official

Existing law

Existing law prohibits a person from: (1) knowingly causing or attempting to cause physical harm to another or to another's unborn, or (2) recklessly causing

serious physical harm to another or to another's unborn. A violation of either prohibition is the offense of "assault." (R.C. 2903.13(A) and (B).)

Under existing law, assault is a misdemeanor of the first degree, except that the penalty is increased as specified if any of the following applies (R.C. 2903.13(C)):

(1) If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is: (a) a felony of the fourth degree, or (b) if the offender previously has been convicted of or pleaded guilty to assault or a violation of R.C. 2903.11 or 2903.16 and if, in relation to the previous conviction, the offender was a caretaker and the victim was a functionally impaired person under the offender's care, a felony of the third degree.

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



responsibilities associated with the victim's employment or position as a teacher, administrator, or school bus operator.

(3) Assault is a felony of the fourth degree if the victim is a peace officer, a firefighter, or a person performing emergency medical service, while in the performance of their official duties; additionally, if the victim is a peace officer and the victim suffered serious physical harm as a result of the commission of the offense, the court must impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least 12 months in duration.

(4) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is: (a) a felony of the fifth degree, or (b) if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

Therefore, under existing law, unless the circumstances are such that the sports official is within one of the school-related provisions described above in (2)(e) or one of the state institution or local correctional facility provisions described above in (2)(a) or (b), if a sports official is assaulted while engaged in his or her officiating duties, or within reasonable proximity of the location where those duties are performed, the assault is a misdemeanor of the first degree.

Operation of the bill

The bill expands the circumstances in which assault is a felony. Under the bill, assault is a felony of the fifth degree if the victim of the offense is a "sports official," as defined under the bill and described above, and the assault occurs in, on, or within any building, structure, athletic playing field, or playground at which is conducted a sport or athletic game or contest at which the sports official expects to officiate, is officiating, or has officiated, or the offense 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).)

COMMENT

Existing law, unchanged by the bill, defines the following terms for use in the section containing the offense of "assault" (R.C. 2903.13(D)): (1) "peace officer" has the same meaning as in R.C. 2935.01, (2) "firefighter" has the same



meaning as in R.C. 3937.41, (3) "emergency medical service" has the same meaning as in R.C. 4765.01, (4) "local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for a crime or delinquent act, persons charged with or convicted of a crime, or persons alleged to be or adjudicated a delinquent child, (5) "employee of a local correctional facility" means a person who is an employee of the political subdivision or any of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in its operation, (6) "school teacher or administrator" means a person employed in the public schools of the state under a contract described in R.C. 3319.08 in a position in which the person is required to have a certificate issued pursuant to R.C. 3319.22 to 3319.311 or a person employed by a nonpublic school for which the state board of education prescribes minimum standards under R.C. 3301.07 who is certificated in accordance with R.C. 3301.071, (7) "community control sanction" has the same meaning as in R.C. 2929.01, (8) "escorted visit" means an escorted visit granted under R.C. 2967.27, and (9) "post-release control" and "transitional control" have the same meanings as in R.C. 2967.01.

HISTORY

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