Version: As Introduced

Primary Sponsor: Reps. Roemer and J. Miller

Nicholas A. Keller, Attorney

SUMMARY

- Increases, to a fifth degree felony, the penalty for the offense of “assault” if the victim is a sports official and the assault is committed during or immediately before or after an event, or in retaliation for the official’s actions as a sports official.

DETAILED ANALYSIS

Fifth degree felony penalty for assault of a sports official

The bill increases, to a fifth degree felony, the penalty for the offense of “assault” when the victim of the assault is a sports official and the assault relates in a specified manner to the victim acting in that capacity. Specifically, the bill provides that assault is a fifth degree felony (instead of the general penalty of a first degree misdemeanor) if either of the following applies:¹

1. The victim of the assault is a “sports official” and the assault occurs while the victim is engaged in the victim’s official duties at a “sports event” or immediately before or after the event.

2. The victim of the assault is a “sports official” and the assault is committed in retaliation for an action taken by the victim while the victim was engaged in the victim’s official duties at a “sports event.”

Definition of “sports official” and “sports event”

The bill specifies that, as used in its assault penalty provisions described above:²

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¹ R.C. 2903.13(C)(4)(e) and (f).
² R.C. 2903.13(D)(21) and (22).
“Sports official” means any person who is paid or volunteers to enforce the rules of a sports event as a referee, umpire, linesperson, timer, scorekeeper, or in a similar capacity.

“Sports event” includes: (a) any interscholastic or intramural athletic event or athletic activity at an elementary or secondary school, college, or university or in which such a school, college, or university participates, (b) any organized athletic activity, including an organized athletic activity sponsored by a community, business, or nonprofit organization, or (c) any athletic activity that is a professional or semiprofessional event.

Elements of assault offense, and current penalties

The prohibitions under the existing offense of “assault,” unchanged by the bill, prohibit a person from knowingly causing or attempting to cause physical harm to another or to another’s unborn, or recklessly causing serious physical harm to another or to another’s unborn.3

The offense generally is a first degree misdemeanor, but increased penalties, to a fourth or fifth degree felony, are provided when the assault is committed: (1) by a caretaker against a functionally impaired person under the caretaker’s care, (2) by an incarcerated person or person in custody, in specified circumstances, (3) against a school teacher, administrator, or a bus operator, in specified circumstances, (4) against a peace officer, BCII investigator, firefighter, or person performing emergency medical services, in specified circumstances, (5) against an officer or employee of a public children services agency or a private child placing agency, in specified circumstances, (6) against a hospital health care professional, health care worker, or security officer, in specified circumstances, or (7) against a judge, magistrate, prosecutor, or court official or employee, in specified circumstances. When the offender also was convicted of a specification charging that the victim was a woman whom the offender knew was pregnant, a mandatory jail or prison term is required.4

### HISTORY

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3 R.C. 2903.13(A) and (B).
4 R.C. 2903.13(C).