



Ohio Prosecuting Attorneys Association

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Executive Director
House Bill 44
Opponent Testimony
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Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide opponent testimony on House Bill 44 to increase the penalties for assault when the victim of the offense is a sports official or when the assault is committed in retaliation for the victim's actions as a sports official.

It has always been the position of our Association, subject to a few exceptions, that an assault is an assault no matter who the victim is and that our law should be applied equally regardless of the victim's status. We have in the past supported higher penalties for certain offenses for those who are in particularly vulnerable classes, those like children, the elderly, and the developmentally disabled. We have also supported higher penalties for peace officers whose job requires them to place themselves in harms way on behalf of the public in order to promote public safety. It has been our view that an attack on a peace officer is an attack on public safety on our justice system itself.

The same goes for an assault on a judge and it is important for the committee to be aware of a quirk in the bill or in current law depending on your perspective. Under current law, an assault on a healthcare professional or a court official, including a judge, is a fifth-degree felony if the offender has previously been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel or justice system personnel. These assaults are defined for purposes of felony sentencing as "qualifying assault offenses" for which the court is generally required to sentence the offender to community control. The assault on a sports official under House Bill 44 is not a "qualifying assault offense." Therefore a second assault on a sports official would be subject to a harsher penalty than a second assault on a judge. It would also leave us with four different layers of penalties for assault – misdemeanor assaults for an assault on Joe Public, F5 assaults for some professions for a first-time offense, F5 assaults for sports officials for a second time assault on a sports officials, and F5 "qualifying assault" offenses for second time assaults on healthcare professionals and justice system personnel.

Sports officials are undoubtedly faced with threats of violence and experience on the job assaults. Unfortunately, individuals in many other professions do too as evidenced by the fact that the legislature seems to debate several bills like this one, that create special classes of victims, every General Assembly. While we are certainly concerned with the dangers sports officials face and wish to see those who would assault them brought to justice, we are equally concerned with the dangers faced by people in other professions and an assault on a sports official is no different than an assault on anyone else.

Thank you for the opportunity to provide opponent testimony. I would be happy to answer any questions.