



Ohio Prosecuting Attorneys Association

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House Bill 139
Opponent Testimony
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Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I'm here today to provide opponent testimony on House Bill 139 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 that the law should not create special classes of victims based on profession. We have in the past supported higher penalties for some offenses for those who are in particularly vulnerable classes 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 harm's way on behalf of the public and to promote public safety. An attack on a peace officer is an attack on the public and on our justice system itself. Beyond that, an assault is an assault and our justice system should treat the victims of an assault equally.

We know that sports officials are faced with threats of violence and do experience on the job assaults. Our opposition to this bill is not because we don't sympathize with them. We do. The acts described by the proponents of this bill should be condemned and the people who commit them should be prosecuted and punished. We do want justice in these cases. The concern we have is that increasing penalties like this for special classes of victims is demeaning to other victims who suffer the same harm. The bus driver, the utility worker, the bar tender, the store clerk, etc. deserve the same justice. These bills make people in other lines of work seem less deserving of justice.

Finally, the argument has been made that this bill is needed because the F5 provides a harsher punishment than the first-degree misdemeanor. In theory this is true. The reality, however, is that a person convicted of first-degree misdemeanor assault is much more likely to get some jail time than someone convicted of F5 assault is to get prison time. First degree misdemeanor assaults are among the most serious offenses that municipal judges deal with. Under most circumstances, current law will require a person convicted of an F5 assault on a sports official to be sentenced to probation rather than to prison. Such an offender could spend time in jail for a first assault on a sports official and then receive mandatory probation for their second assault on a sports official because it would be a "qualifying assault offense."

We appreciate the good intent of the sponsors and their desire to address what are admittedly troubling acts of violence against our sports officials. We do, however, oppose the bill and urge its defeat for the reasons expressed. I would be happy to answer any questions that the committee has.