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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and to all of the members of the Senate Judiciary Committee, I would like to thank you for allowing me to testify today.

My name is John Graceffo, and I am an attorney here in Columbus. I have the honor and privilege to represent Mr. Wiley Butler.

On April 18, 2023, Mr. Butler was the victim of a physical assault perpetrated by an individual named Gregory Roudabush. My client was officiating a softball game at Berliner Park, which is the largest ball diamond complex in the country. Each year, the Columbus Recreation and Parks Department estimates that over 120,000 athletes and spectators visit Berliner Park.

In 2023, the National Senior Games Softball Championship was played at Berliner Park. 95 teams, with more than 1,500 athletes, came from around the country to play for the Championship. It was estimated that the event attracted 2,500 visitors, spending an estimated \$2.4 million dollars in visitor spending. Of course, all of those games need to be officiated.

Mr. Butler has been an umpire with Columbus Recreation and Parks for over 17 years. He's always enjoyed giving back to the game he's played and loved, and the game of April 18 started out as any other. He was umping the game as he had always, which from time to time requires that he direct the catcher to move a bit to either side so that he can see the plate, and call balls and strikes. This positioning depends on the batter – lefty or righty.

Immediately before the assault, Gregory Roudabush was playing in the catcher position, and Mr. Butler, as he always had, directed Mr. Roudabush to move. Mr. Roudabush apparently didn't like being told what to do, and he became verbally abusive to Mr. Butler. My client put up with that for a bit, but when Mr. Roudabush didn't stop, Mr. Butler decided "enough is enough", and ejected Mr. Roudabush from the game.

Mr. Roudabush then struck my client in the face, and threw him to the ground right on top of home plate. Thankfully, other players were able to separate the two men. Mr. Butler ended the game, and left the field to go to his car and leave. Mr. Roudabush followed Mr. Butler to his car, and continued to harass and threaten and intimidate him...

Mr. Roudabush has been permanently banned by the Columbus Recreation and Parks Department based on Physical Assault, Abuse, Verbal Abuse, and Intimidation. He is not allowed to participate in any event sponsored by CRPD, is not allowed to be on site for any events sponsored or hosted by CRPD, and may not participate as a coach, player or spectator.

With my assistance, Mr. Butler pressed charges against Mr. Roudabush. A warrant for his arrest was issued through the City of Columbus Prosecutor's Office on April 24, 2023. Mr. Roudabush evaded arrest for over a year until he was arrested on May 22, 2024.



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Mr. Roudabush ultimately plead Guilty to the Assault charge, and he was sentenced to a 3 year term of probation, with a 30 day jail sentence as a condition of probation. No fine was imposed...

Since Mr. Butler suffered that unprovoked attack, he has stopped umpiring games.

Unfortunately, Mr. Butler isn't the only sports official who has stopped their service. The National Federation of State High School Associations estimates that 50,000 individuals have discontinued their service since the 2018-2019 season. According to surveys from officiating organizations, more than 70% of referees cite **abusive behavior** as a primary factor for quitting.

I have provided this Honorable Committee with a map from the National Association of Sports Officials that visually describes State by State legislation regarding sports officials as victims. You will see that there are currently 15 States that have no specific legislation, with the great State of Ohio being among 6 States providing limited liability.

This liability, at least criminally, is of course codified in ORC §2903.13. As proposed, HB79 would provide for enhancing an assault on a sports official to a Felony of the 5<sup>th</sup> Degree (if the defendant has a prior conviction of the same nature), and would impose mandatory penalties on those convicted of a 1<sup>st</sup> time offense of this nature.

With all due respect to respect to the Primary Sponsors of HB 79 – Representatives Roemer and Miller, and with my thanks for inviting me to testify before the House Criminal Justice Committee, I have concerns over a portion of the proposed enhancement language of HB 79. Under “normal” circumstances, Assault is a Misdemeanor of the 1<sup>st</sup> Degree, punishable by a maximum of 180 days in jail, and/or up to a \$1,000 fine.

ORC §2903.13 does enhance penalties for Assault under certain situations, primarily based on the how the victim is defined; for example, if the victim of an Assault is a school teacher, administrator or school bus driver (and the offense occurs in a school, on school premises, in a school building 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, Assault is by statute a Felony of the 5<sup>th</sup> Degree. Similarly, Assaults on peace officers, emergency service providers, health care professionals and ODRC employees are all Felonies.

My concern is as follows; HB 79 can enhance an Assault like Mr. Butler suffered to a Felony of the 5<sup>th</sup> Degree, but only if

(f) All of the following apply:

(i) The victim of the offense is a sports official and the offense 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.



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(ii) The offender previously has been convicted of or pleaded guilty to a violation of this section under the circumstances specified in division (C)(4)(e)(i) or (C)(4)(f)(i) of this section.

HB 79, Lines 102-110, inclusive (As proposed...)

As I mentioned a few moments ago, Mr. Roudabush has been permanently banned from participating in CRPD events in *any capacity*. He can't play in, coach for, or even *watch* any sporting event hosted by CRPD. Therefore, the circumstances requiring enhancement to a Felony, at least regarding Mr. Roudabush, are not likely to occur.

Unfortunately, Mr. Roudabush isn't the only individual permanently banned; CRPD's list of Suspensions, which I have provided, includes 8 other individuals similarly banned. As you can see from the list, those banned exhibited the same conduct as did Mr. Roudabush;

1. Unsportsmanlike conduct, verbal/racial abuse of an official/participants
2. Physical misconduct, fighting
3. Thrown equipment at official

I respectfully request this Committee to consider striking the language I just read, and to make Assault on a Sports Official a Felony, without the need for a prior conviction.

I know that my initial time is limited, but I respectfully urge this Honorable Committee to pass this legislation, with my suggested change.. Thank you for your time, and I will be happy to answer any questions you have.