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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 44  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Roemer and J. Miller

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### SUMMARY

- Requires a mandatory fine and community service for the misdemeanor offense of “assault” if the victim is a sports official and the assault is committed during or immediately before or after a sports event, or in retaliation for the official’s actions as a sports official.
- Increases the penalty for assault to a fifth degree felony if the victim is a sports official, the assault is committed during or immediately before or after a sports event or in retaliation for the official’s actions as a sports official, and the offender has previously been convicted of an assault offense under those circumstances.

### DETAILED ANALYSIS

#### Increased penalties for assault of a sports official

##### Misdemeanor offense

The bill requires a mandatory \$1,500 penalty and 40 hours of community service to be imposed, in addition to the sentence for a first degree misdemeanor under continuing law, 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 requires those additional penalties if either of the following applies:<sup>1</sup>

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

<sup>1</sup> R.C. 2903.13(C)(11).

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.

### **Fifth degree felony for subsequent offenses**

The bill also elevates the offense of assault to a fifth degree felony if the victim is a sports official, the assault is committed during or immediately before or after a sports event or in retaliation for the official's actions as a sports official, and the offender previously has been convicted of or pleaded guilty to assault of a sports official under the circumstances specified in the bill.<sup>2</sup>

### **Felonious assault and aggravated assault**

The bill specifies that nothing in the bill's provisions requiring enhanced misdemeanor penalties for assault involving a sports official prevents an individual from being prosecuted for felonious assault or aggravated assault if the elements of those offenses are present, the victim of the offense is a sports official, and the offense occurs while the victim is engaged in the victim's official duties at a sports event or immediately before or after the sports event.<sup>3</sup>

### **Definition of "sports official" and "sports event"**

The bill specifies that, as used in its assault penalty provisions described above:<sup>4</sup>

**"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.<sup>5</sup>

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

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<sup>2</sup> R.C. 2903.13(C)(4)(e) and (f).

<sup>3</sup> R.C. 2903.13(D).

<sup>4</sup> R.C. 2903.13(E)(21) and (22).

<sup>5</sup> R.C. 2903.13(A) and (B).

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.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	02-03-21

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<sup>6</sup> R.C. 2903.13(C).