



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 31 (Substitute S-1 as reported)
Senate Bill 32 (Substitute S-1 as reported)
Sponsor: Senator Morris Hood
Committee: Judiciary

Date Completed: 11-18-15

RATIONALE

It is widely reported that sports officials have been targets of harassment and physical violence due to their officiating at sporting events. This harassment or violence may take place during the event or outside of it, and is not specific to a single sport or age group. One prominent case occurred in Michigan in 2014, when an individual officiating an adult soccer game in Livonia was hit by a player after declaring a penalty, and died from the blow two days later. Michigan sports officials since then have voiced greater concerns over the general treatment of sports officials and the lack of protection from potential aggressors.

As a result, it has been suggested that the law should prescribe criminal penalties for violent actions taken against sports officials, in order to impose appropriate consequences and deter future incidents.

CONTENT

Senate Bill 31 (S-1) would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for assaulting, battering, or assaulting and battering a sports official.

Senate Bill 32 (S-1) would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 31 (S-1) to the sentencing guidelines.

The bills would take effect 90 days after their enactment. Senate Bill 32 (S-1) is tie-barred to Senate Bill 31.

Senate Bill 31 (S-1)

Under the bill, a person who committed assault, battery, or assault and battery of an individual who performed his or her duties as a sports official immediately before, during, or after a sporting event, or at any other time if the assault, battery, or assault and battery directly arose from the official's execution of his or her duty as a sports official, would be guilty of a crime punishable by imprisonment and/or a fine as shown in Table 1.

Table 1

Offense	Level	Max. Imprisonment	Fine
Assault, battery, or assault and battery	Misdemeanor	1 year	Up to \$1,000
Assault, battery, or assault and battery causing bodily injury requiring medical attention or care	Felony	2 years	Up to \$2,000
Assault, battery, or assault and battery causing serious impairment of a body function	Felony	5 years	\$1,000-\$5,000

The bill would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of the bill.

"Serious impairment of a body function" would mean that term as defined in Section 58c of the Michigan Vehicle Code.

The bill would define "sports official" as an individual who officially administers or officially assists in administering the rules at any sporting event. "Sporting event" would mean an organized competitive athletic activity between two or more individuals.

Senate Bill 32 (S-1)

Under the bill, assaulting or battering a sports official causing bodily injury would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment. Assaulting or battering a sports official causing serious impairment of a body function would be a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment.

Proposed MCL 750.81f (S.B. 31)
MCL 777.16d (S.B. 32)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

There have been many cases worldwide of officials being attacked, verbally or physically, over a penalty they imposed or a decision they made during a sporting event. *Referee Magazine* has numerous articles reporting physical attacks on officials, with some instances leading to the death of the official. The unfortunate and unnecessary death of John Bieniewicz, the soccer official who was killed in Livonia, Michigan, serves as a leading example of how dangerous officiating can be. Unlike professional sports officials, individuals generally officiate for the love of the game; they earn little to no pay and typically officiate as a hobby on their own time, and do not receive security protection. Many individuals have been discouraged from becoming a sports official, or continuing to officiate, because of these factors.

According to Judiciary Committee testimony, the American Youth Soccer Organization, an organization with 500,000 players nationwide, has difficulty finding enough volunteers to meet the needs of the players. The number-one reason for individuals' unwillingness to volunteer as referees is abuse and mistreatment from coaches and fans. Of the individuals who do volunteer, approximately half quit after their first season, and 10% do not return for a second season.

The issue is so prevalent that other states have enacted legislation that provides specific protection for sports officials. According to the National Association of Sports Officials, as of 2014, 21 states had officiating assault laws, including 19 criminal laws.

The bills would protect sports officials by providing a deterrent to violence against them. Current laws do not go far enough in giving sports officials the protection they need in an increasingly hostile environment. People know that assault and battery are serious crimes, yet the offenses are still committed. Under the Michigan Penal Code, if no other punishment is prescribed by law, the maximum penalty for assault or assault and battery is only 93 days' imprisonment and/or a \$500 fine. If the offender inflicts serious or aggravated injury, without a weapon, the maximum penalty is one year and/or \$1,000. Increasing the penalty for individuals who harm sports officials would promote a more serious stance against any type of assault directed at sports officials.

Response: Although sports officials do need protection from physical assault, most conflicts that arise between an individual and a sports official end with verbal harassment, not physical confrontation. The bills would not go far enough to protect sports officials from the more common problem of harassment. Verbal abuse and threats are the gateway to physical assault and can be very damaging.

Additionally, the bills would not protect coaches who are sometimes assaulted by players and spectators. For example, according to reports in the news media, in Toms River, New Jersey, a parent of a player on a youth football team attacked the coach after the game; in Kentucky, a Doss High School basketball player and his father attacked the coach after the game over the issue of playing time.

Supporting Argument

Protecting sports officials is important, in part, because many of them are minors. According to Committee testimony from a professor at Michigan State University who is the State Youth Referee Administrator for Michigan soccer officials, there are approximately 5,000 soccer officials in Michigan alone, with approximately one-third of those officials under the age of 18. Reportedly, in one league nearly 2,200 matches were played in the fall of 2014. Although there were no physical assaults, there were nine instances of verbal abuse against the sports officials, six of whom were younger than 18. In one case, a 16-year-old referee was harassed during a game and subsequently yelled at when she entered her vehicle. In another situation, a 20-year-old referee was threatened during a game and decided to quit officiating altogether because of that event. Additionally, *Referee Magazine* reports attacks on young officials in other sports. Therefore, it is necessary to protect young sports officials who can be both traumatized and discouraged by an assault, in addition to being injured.

Opposing Argument

The bills would promote the protection of one specific group and create different standards for different individuals. Many other individuals and professions face challenges similar to what sports officials face. Separating people into groups could exacerbate divisiveness and hostility. All individuals should be treated equally under Michigan law, but the bills would move toward valuing different lives and professions more than others.

Response: The law already provides enhanced penalties for assaults on various categories of individuals, including law enforcement officers, State human services workers, and public utility workers. Furthermore, attacks on sports officials can invite a riot, creating danger for others. Also, there have been instances in which groups of people have beaten referees. Therefore, the bills are necessary to prevent these dangers.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bills could result in a fiscal cost to the State's corrections budget. For any new felony convictions, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. The new misdemeanor penalty could increase cost to local jails. With any increase in the number of cases, costs to local courts and law enforcement could increase. Additionally, any increase in collected fine revenue would be dedicated to public libraries.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.