



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bills 200 and 201 (as reported without amendment)
Sponsor: Senator Morris Hood
Committee: Judiciary

Date Completed: 10-26-17

RATIONALE

It is widely reported that sports officials have been targets of harassment and physical violence due to their officiating at athletic events. This abuse may take place during the event or outside of it, and is not specific to a single sport or age group. Offenders include players, parents of players, other spectators, and coaches, and the offensive behavior can range from heckling to punching. 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. Since then, Michigan sports officials and others have voiced serious 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 201 would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for assaulting, battering, or assaulting and battering a sports official.

Senate Bill 200 would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 201 to the sentencing guidelines.

The bills would take effect 90 days after their enactment. Senate Bill 200 is tie-barred to Senate Bill 201.

Senate Bill 201

Under the bill, a person would be guilty of a crime punishable by imprisonment and/or a fine, as shown in Table 1, if he or she 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.

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.

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.

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

Senate Bill 200

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.

MCL 777.16d (S.B. 200)
Proposed MCL 750.81f (S.B. 201)

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. The 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 the abusive treatment they are subjected to. As a result, according to Committee testimony, schools are having difficulty recruiting new officials, and games are being canceled due to the unavailability of referees. In addition, schools are on tight budgets and do not have the funds to hire security staff.

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, 21 states currently have officiating assault laws, including 19 criminal laws, and two states have supportive resolutions for sports officials.

The bills would protect sports officials in Michigan by providing a deterrent to violence against them. Existing 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 misdemeanor penalty for individuals who assault sports officials, and adding felony penalties for violations that caused injury, would provide an appropriate punishment, in addition to a deterrent.

At the same time, the penalties would send a message that any type of assault directed at sports officials will not be tolerated. As abusive behavior toward sports officials has become more common, it seems to be viewed by many people as acceptable. Officials report a significant change for the worse in the mentality of fans, players, and coaches. The legislation would help change a culture of disrespect and violence.

Response: Although sports officials do need protection from physical assault, most conflicts that arise between an individual and a sports official involve 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.

In addition, coaches, as well as sports officials, sometimes are assaulted by players and spectators, including the parents of young athletes. The enhanced criminal penalties should be extended to violence against coaches.

Supporting Argument

Protecting sports officials is important, in part, because many of them are minors. According to testimony submitted to the Senate Judiciary Committee by the Region II Referee Administrator for US Youth Soccer, nearly one-third of sports officials are under the age of 18 in any given nonscholastic, community/recreation-based sport. This testimony gave several examples of situations in which young officials were subjected to abuse. In one case, a parent confronted three youth referees and, when the oldest asked him to leave them alone, the parent responded with a threat of physical violence. Another example involved a 16-year-old official who was chased to her car by angry parents, including some who followed as she drove away. In another situation, a spectator became verbally aggressive toward a 16-year-old soccer referee, and then came onto the field during play and shoved the youth to ground. These examples demonstrate how verbal threats can escalate to physical violence, and why it is necessary to protect young sports officials, who can be traumatized as well as injured by an assault.

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 those that sports officials confront. Separating people into groups could exacerbate divisiveness and hostility. All individuals are entitled to equal protection of the law under the State Constitution, and deserve equal treatment. The bills, however, would place a higher value on the lives and safety of one class of people based on an activity they engage in.

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 take place in a public venue and can incite a riot, creating danger for others. Also, there have been instances in which groups of people have beaten referees.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 201

The bill could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 200

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge.

As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Ryan Bergan

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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.