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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 208  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

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

Nicholas A. Keller, Attorney

### SUMMARY

- Increases, to a fifth degree felony, the penalty for the offense of “assault” if the victim is a sports official and the assault is committed during or immediately before or after an event, or in retaliation for the official’s actions as a sports official.

### DETAILED ANALYSIS

#### **Fifth degree felony penalty for assault of a sports official**

The bill increases, to a fifth degree felony, the penalty 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 provides that assault is a fifth degree felony (instead of the general penalty of a first degree misdemeanor) if either of the following applies:<sup>1</sup>

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

#### **Definition of “sports official” and “sports event”**

The bill specifies that, as used in its assault penalty provisions described above:<sup>2</sup>

<sup>1</sup> R.C. 2903.13(C)(4)(e) and (f).

<sup>2</sup> R.C. 2903.13(D)(21) and (22).

**“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>3</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 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>4</sup>

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## HISTORY

Action	Date
Introduced	04-18-19

H0208-I-133/ks

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<sup>3</sup> R.C. 2903.13(A) and (B).

<sup>4</sup> R.C. 2903.13(C).