WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2339

By Delegate Westfall

[Introduced February 12, 2021; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for attacking an athletic official, and further defining the penalties for attacking an athletic official.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. crimes against the person.

**§61-2-15a. Assault, aggravated assault, assault with intent to commit a violent felony, ~~and~~ battery, and aggravated battery on athletic officials; penalties.**

(a) If any person commits an assault as defined in subsection (b), section nine of this article of this code, to the person of an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or confined in jail not more than six months, or both fined and confined.

(b) If any person commits a battery, as defined in subsection (c), section nine of this article, against an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or confined in jail not more than 12 months, or both fined and confined.

(c) If any person commits an aggravated assault upon a sports official; that is, unlawfully assaulting or striking at a sports official with a deadly weapon while he or she is in the lawful discharge of his or her duties; committing assault by threatening or menacing a sports official who is engaged in the lawful discharge of his or her duties by a person wearing a mask, hood, robe or other covering upon the face, head or body, or while disguised in any manner so as to conceal identity; or willfully and intentionally assaulting a sports official while he or she is in the lawful discharge of his or her duties with intent to commit any felony, the offender is guilty of a class six felony, and upon conviction thereof, shall be fined $2,500, or confined five years in a state penitentiary, or both fined and confined.

(d) If any person commits an assault with intent to commit a violent felony upon a sports official consists of any person assaulting a sports official while he or she is in the lawful discharge of his or her duties with intent to kill the sports official, the offender is guilty of a class five felony, and upon conviction thereof, shall be fined $2,500, or confined one to 10 years in a state penitentiary, or both fined and confined.

(e) If any person commits aggravated battery upon a sports official, inflicting an injury to the sports official that is not likely to cause death or great bodily harm, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, offender is guilty of a class four felony and, upon conviction thereof, shall be confined two to 10 years in a state penitentiary.

(f) If any person commits aggravated battery upon a sports official, inflicting great bodily harm, or does so with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted, the offender is guilty of a class three felony and, upon conviction thereof, shall be confined five to 25 years in a state penitentiary.

~~(c)~~ (g) For the purpose of this section, athletic official means a person at a sports event who enforces the rules of that event, such as an umpire or referee, or a person who supervises the participants, such as a coach.

NOTE: The purpose of this bill is to further define the penalties for attacking an athletic official at a sporting event.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.