

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 678
SPONSOR: Criminal Justice Committee and Senators Smith, Lynn, and Dawson
SUBJECT: Assault or Battery/Sports Officials
DATE: March 31, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute (CS) for Senate Bill 678 provides for the reclassification of the felony or misdemeanor degree, as applicable, of assault, aggravated assault, battery, or aggravated battery when any of those offenses are committed upon a sports official when he or she is actively participating as a sports official in an athletic contest or immediately following such athletic contest. The CS defines the term “sports official.”

This CS substantially amends s. 784.081, F.S., and creates s. 784.0815, F.S.

II. Present Situation:

“Sports Official” (s. 440.02(15)(d)11., F.S.)

Paragraph (15)(d) of s. 440.02, F.S. (the definitions section of ch. 440, F.S., relating to workers’ compensation), provides a list of persons not covered by the term “employee,” as that term is used in that chapter. Subparagraph 11. of paragraph (15)(d) specifies that the following person is not covered by the term “employee”:

[a] person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term “sports official” means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who

serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

Assault (s. 784.011, F.S.)

Section 784.011(1), F.S., defines “assault” as “an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.” Assault is a second degree misdemeanor. s. 784.011(2), F.S.

Aggravated Assault (s. 784.021, F.S.)

Section 784.021(1), F.S., defines “aggravated assault” as an assault “[w]ith a deadly weapon without intent to kill” or an assault “[w]ith an intent to commit a felony.” Aggravated assault is a third degree felony, s. 784.021(2), F.S., which is ranked as a Level 6 offense in the Criminal Punishment Code’s offense severity ranking chart. s. 921.0022(3)(f), F.S.

Battery (s. 784.03, F.S.)

Section 784.03(1), F.S., provides that a “battery” is committed when a person “[a]ctually and intentionally touches or strikes another person against the will of the other” or “[i]ntentionally causes bodily harm to another person.” Battery is a first degree misdemeanor. s. 784.03(1)(b), F.S. However, when a person has one prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery, the battery offense is a third degree felony. s. 784.03(2), F.S.

Felony Battery (s. 784.041, F.S.)

Section 784.041(1), F.S., provides that a person commits “felony battery” if the person “[a]ctually and intentionally touches or strikes another person against the will of the other” or “[c]auses great bodily harm, permanent disability, or permanent disfigurement.” Felony battery is a third degree felony, s. 784.041(2), F.S., which is ranked as a Level 6 offense in the Criminal Punishment Code’s offense severity ranking chart. s. 921.0022(3)(f), F.S.

Aggravated Battery (s. 784.045, F.S.)

Section 784.045(1), F.S., provides that a person commits “aggravated battery” when that person in committing a battery: “[i]ntentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement”; or “[u]ses a deadly weapon.” A person also commits aggravated battery “[i]f the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.” *Id.* Aggravated battery is a second degree felony, s. 784.045(2), F.S., which is ranked as a Level 7 offense in the Criminal Punishment Code’s offense severity ranking chart. s. 921.0022(3)(g), F.S.

Assault or Battery on Specified Officials or Employees (s. 784.081, F.S.)

Section 784.081, F.S., provides for the reclassification of the felony degree or misdemeanor degree, as applicable, of assault, aggravated assault, battery, or aggravated battery, when any of those offenses is committed against the following officials or employees: any elected official or employee of a school district, a private school, the Florida School for the Deaf and the Blind, a university developmental research school, a state university, or any other entity of the state system of public education (as defined in s. 1000.04, F.S.); an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers. In order for this section to apply the person committing the offense must know or have reason to know the identity or position or employment of the victim.

Assault or Battery on a Sports Official

Under current law, assault, aggravated assault, battery, or aggravated battery of a sports official may be prosecuted under s. 784.011, F.S. (assault), s. 784.021, F.S. (aggravated assault), s. 784.03, F.S. (battery), s. 784.041, F.S. (felony battery), and s. 784.045, F.S. (aggravated battery), as applicable. If the sports official is employed by a school district or private school, s. 784.081, F.S. (assault or battery on specified officials or employees), may apply.

III. Effect of Proposed Changes:

Committee Substitute (CS) for Senate Bill 678 amends s. 784.081, F.S., to provide for the reclassification of the felony or misdemeanor degree, as applicable, of assault, aggravated assault, battery, or aggravated battery when any of those offenses are committed upon a sports official when he or she is actively participating as a sports official in an athletic contest or immediately following such athletic contest.

The CS defines the term “sports official” as “any person who serves as a referee, an umpire, or a linesman and any person who serves in a similar capacity as a sports official who may be known by another title, which sports official is duly registered by or is a member of a local, state, regional, or national organization that is engaged in part in providing education and training to sports officials.”

The CS takes effect on October 1, 2004.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An estimate by the Criminal Justice Impact Conference of the prison bed impact, if any, of the CS was not available at the time this analysis was completed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the National Association of Sports Officials (<http://www.ieway.com/naso/page4.html>), 15 states punish assaults and/or batteries on sports officials: Arkansas; California; Delaware; Georgia; Kentucky; Louisiana; Minnesota; Montana; New Jersey; New Mexico; North Carolina; Oklahoma; Oregon; Pennsylvania; and West Virginia.

VIII. Amendments:

None.