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**MARK SAMSEL**  
5TH DISTRICT

February 8, 2022

Dear Chairman Patton, Ranking Member Carmichael, & House Judiciary Committee Members:

**RE: Proponent Testimony – HB 2542 – Creating the Crime of Abuse of a Sports Official**

*“What you permit, you promote.”*

Along with Representatives Megan Lynn and Brian Bergkamp, I am pleased to sponsor House Bill (HB) 2542, which creates the crime of abuse of a sports official. I offer this testimony in support. This bill follows 25 other States to pass legislation (22) or resolutions (3) addressing this critical, growing problem in communities across our nation.

Without action by this body, Kansas is on a path that we will lack sports officials to officiate our youth, middle school, and high school games as rising abuse has contributed to a severe shortage and cancellation of contests. As example after example demonstrates, existing law does not sufficiently address the problem. I enclose additional materials from the National Association of Sports Officials (NASO) which has taken the lead across America in promoting these efforts.

**I. THE PROBLEM: ABUSE BY FANS AND COACHES CAUSING SEVERE SHORTAGE OF SPORTS OFFICIALS.**

Going into the 2021-22 season, Kansas “had fewer officials registered than at any time since 1989.”<sup>1</sup> In basketball alone, the number steadily declined from 2,013 registered officials in the 2011-12 school year to just 1,410 a decade later. While this number of sports officials decreased by 30%, the number of games (requiring sports officials) increased.<sup>2</sup> Football, volleyball, and other sports are seeing similar problems.

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<sup>1</sup> Weekly Announcement dated Feb. 7, 2022, Kansas State High School Activities Association, available at <https://www.kshsaa.org/Public/Basketball/Main.cfm> (last visited on Feb. 8, 2022).

<sup>2</sup> KSHSAA, *Local Schools Note Shortage Of Available Officials*, The Holton Recorder, Nov. 4, 2021, available at: <http://www.holtonrecorder.net/news/kshsaa-local-schools-note-shortage-available-officials> (last visited on Jan. 26, 2022).

**THE REASON?** “Spectator behavior,” Fran Martin, KSHSAA assistant executive director noted — “particularly poor displays of sportsmanship by fans and coaches’ — has been ‘the biggest reason’ that officials are quitting.”<sup>3</sup> “The referees don’t indicate that they have a lot of challenges with the players, but they do indicate that . . . the fans and some coaches are verbally abusive or derogatory in almost everything that they say or do,”<sup>4</sup> Martin said.

While the examples are countless and some are widely reported, I have personally observed or experienced the following:

1. Coaches and fans threatening and/or physically attacking referees after the end of a game. Other persons intervened. No charges were pressed.
2. A fan sprinting into the officials’ locker room after the end of a game while attempting to attack the referee who made a last-second call. Other referees intervened. No charges were pressed.
3. A fan changing his appearance *three (3)* times (*i.e.* jacket, stocking cap, hat, etc.) to help avoid detection over the course of a soccer game all while directing threatening, abusive, and obscene language at the referee both from across the field and later within close proximity. After an escort from this high school game to his vehicle, the fan then cut off the referee’s vehicle in the parking lot. No charges were pressed.
4. Fans following a referee to his vehicle while under police escort all while threatening the sports official. No charges were pressed.

HB 2542 will provide a tool to address these common and growing problems across Kansas. It will also send a message that we value and will protect the men and women who step up to officiate so that our kids and grandkids are able to play and compete in the games that we love and provide lifelong memories.

Thank you for your time and consideration. I am pleased to stand for questions at the appropriate time.

**Representative Mark Samsel, Kansas House District 5**

Enclosures

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

## WHY IS LEGISLATION NEEDED?



### Why Is Legislation Needed to Protect Sports Officials From Physical Assaults?

*"Today the health of our games is being attacked by the cancer of bad behavior, much of it in full view of our young people who participate in organized sports. We must do something to send a clear signal that such behavior will not be tolerated."*

Barry Mano, NASO president

#### Summary

Officials across the country and around the world are being attacked by out-of-control players, fans and coaches at every level. The pace of assaults against sports officials has quickened, especially at the recreational and youth levels.

"Today the health of our games is being attacked by the cancer of bad behavior, much of it in full view of our young people who participate in organized sports," said Barry Mano, NASO president. "We must do something to send a clear signal that such behavior will not be tolerated and we need to do so for two reasons.

"The men, women, boys and girls who give their time and energy to officiate games not only deserve respect, they must have complete confidence they will be able to carry out their responsibilities in a safe environment. Without that confidence, the industry will lose the 'best and brightest' in the field."

As a society we need to act on our belief that respect for authority, whether you agree with it or not, is critical to living, working and playing together. Sports needs to be a beacon, highlighting positive accomplishments and the need for sportsmanship and fair play.

While education of the public about those vital matters continues to be of importance, published assaults point out the need for strong sanctions against those who engage in bad behavior at sporting events.

#### Background

While no scientific study exists to account for every assault against sports officials, NASO is of the belief that assaults are on the rise. That assumption is based upon the number of incidents being reported to *Referee* magazine over the past 30-plus years, in the national media and to the association itself.

## WHY IS LEGISLATION NEEDED?

The difficulty in getting actual numbers is accentuated by the fact that local leagues and conferences tend to deal with those matters on an individual basis and do not report the incidents to any one source. For example, an incident that will happen at a recreational youth league game will be reported to the community's recreation department. If that youth program is sanctioned by a national body such as Little League of America, the incident may be reported to the national office. The national office of Little League has no requirements to report the incident to any other organization.

### **What is NASO doing?**

Since 1987, NASO has spearheaded grassroots efforts for legislation to increase the penalties against those who commit an assault against a sports official while performing their duties.

Currently, 22 states have passed protection legislation. Those states include: Alabama, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Minnesota, Montana, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, West Virginia and South Carolina. Additional states — Washington, Idaho and Missouri — have passed supportive resolutions.

Several states have also passed "trespassing laws" that impact sporting events. Illinois and Oregon are examples. And many communities on an individual basis are adopting local ordinances that address sporting event behavior.

To deal with anger and violence on the field and court, NASO created a 32-page brochure called *When They're in Your Face and How to Deal With It*. That publication provides officials important tips on how to prevent or address on- and off-the-field confrontations with players, coaches and fans.

NASO President Barry Mano has appeared on ABC's *20/20*; ESPN's *Outside the Lines*; *Inside Edition*, *Channel 1 News* (a public school cable program reaching more than eight million students daily) and numerous local television and radio stations explaining the importance of sportsmanship and the role sports officials play in the overall picture of providing an entertainment package called "sports."

Articles have appeared in nearly every major newspaper and magazine in America, including *The Wall Street Journal*, *The New York Times*, *USA Today*, *Los Angeles Times*, *USA Weekend*, *People*, *TIME*, *U.S. News & Daily Report* and others, addressing this critical concern of violent behavior directed at sports officials.

### ***For more information contact:***

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## Officially Speaking HAWAII STATE SEN. DONOVAN DELA CRUZ



**H**awaii became the 22nd state to pass an assault and/or harassment law protecting sports officials

when Gov. David Ige signed Senate Bill 2612 into law. The new legislation, introduced by Hawaii State Sen. Donovan DeLa Cruz, allows courts to prohibit individuals convicted of assaulting or threatening sports officials from attending any similar sports events for a period specified by the new law. For more on legislation affecting sports officials, visit [NASO.org/resources/legislation](http://NASO.org/resources/legislation).

**NASO:** What made you want to sponsor Hawaii Senate Bill 2612?

**DELA CRUZ:** Attending high school athletic games, and receiving concerns from constituents, I've seen firsthand how sports officials are treated at times. This measure is vital to ensure that our officials are protected and hopefully reaffirms, particularly for our young athletes, that sports are essential in building self-confidence and lifelong sportsmanship skills. I felt this was a step that needed to be taken to guarantee that athletics remain a positive atmosphere for our student-athletes.

**NASO:** What challenges did you face in trying to get this legislation passed?

**DELA CRUZ:** It is not common to be able to pass strong

legislation on your first try. Even still, this measure moved relatively smoothly through the session. I think the ease at which we were able to pass this bill in one year speaks to its content's essential nature. While I'm sure there is still work to be done, I hope this serves as an example for other states of what can be accomplished when composing common-sense legislation.

**NASO:** What advice would you give sports officials working to pursue legislation in their own state?

**DELA CRUZ:** Identifying legislators that are aware of the issue upfront is always a good place to start. I believe anyone that spends any significant time at amateur sporting events will have some awareness of the potential adverse treatment of its officials. Hopefully, they will be willing to step up to enact reasonable protections.

**NASO:** Why should lawmakers consider passing this kind of legislation?

**DELA CRUZ:** Obviously, we hope that this bill is never needed, but if we cannot prevent every situation, I am hopeful that we can at least minimize their reoccurrence. I know more than a few former athletes that have been reluctant to become officials due to their treatment. I am optimistic that if we can improve that atmosphere, maybe we can convince more of our athletes to give back to our communities in this way. These are just a few of the reasons I think it is essential to have similar protections across the country. ■

# IT'S EASY TO RENEW ONLINE

JUST GO TO  
[WWW.NASO.ORG/RENEW](http://WWW.NASO.ORG/RENEW)

1. LOGIN with your membership number and zip code.
2. Select RENEW



**DID YOU KNOW YOU  
CAN MANAGE YOUR  
MEMBERSHIP?**



# SPORTS OFFICIALS LEGISLATIVE SCORECARD

Has your state passed laws related to assault and/or harassment of sports officials, officials' liability and independent contractor status? State laws criminalizing attacks and harassment of officials serve as a deterrent and tell prosecutors, judges and juries that such acts are to be taken seriously. Limited liability laws are an added protection to exempt officials (sometimes only volunteer officials) from liability for injuries unless they are grossly negligent. Independent contractor laws classify officials as such—at least for the purposes of workers' compensation.

While the scope of state legislation varies, sports officials should be able to perform their duties without threat of personal injury, administrative hearings or litigation because of their game calls. State legislators can show support for those who officiate by passing laws to protect them.

NASO has been bringing attention to assault/harassment liability and independent contractor issues for years. The map, updated for 2021, displays the states that have passed laws dealing with these issues. There are currently 22 states that have officiating assault and/or harassment laws (including 20 with criminal laws and two with civil statutes), 17 with limited liability legislation and 15 states with independent contractor laws. In addition, three states — Idaho, Washington and Missouri — have supportive resolutions for officials. How does your state match up? If there is work to be done, consider getting involved in pushing for legislation.

### Pass Legislation in Your State

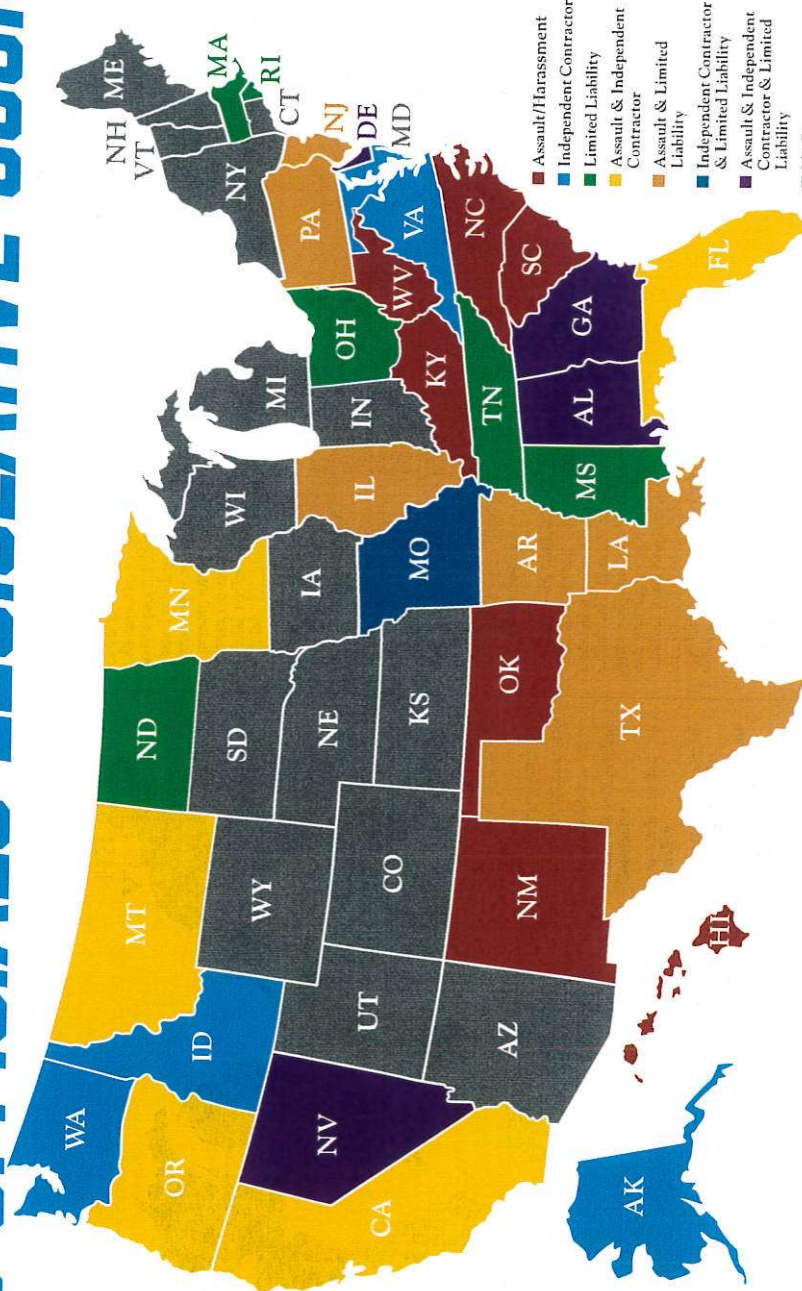
Since 1984, when NASO first submitted model legislation regarding assaults against officials, members and legislators have used such models to construct their own legislative bills.

There is no fool-proof plan to get the job done. Each state handles legislation differently, and it is up

to the local constituency to manage the process effectively. It is NASO's goal that individual members utilize the proposed legislative models and work with their local associations and legislators to construct viable laws. Before you do anything else, it's a good idea to do some research. Request an NASO Assault Legislation Packet and visit [naso.org](http://naso.org).

### Legislation Updates

Following are 2021 state legislative efforts and the status of the bills as of press time (see "NASO



new section of KRS Chapter 518 to create the crime of intimidation of a sports official as a Class A misdemeanor. The bill was sent to the House Judiciary committee on Jan. 13. The bill passed 78-9 in the House on Feb. 19. It was sent to the Senate Judiciary committee on Feb. 22.

**Maryland** — SB 0028, primarily called for enhanced protections for sports officials. However, the bill was defeated by the Maryland

Senate Judicial Proceedings Committee following a Jan. 20 hearing.

**Michigan** — HB 4572 was introduced by Rep. Gary Eisele on March 24 and then referred to the Committee on Rules and Competitiveness. The bill seeks to establish sentencing guidelines for the crime of assaulting a sports official.

**New York** — SB 5971, sponsored by Sen. Mike Martucci, was

introduced on March 22 and then sent to the Senate Codes Committee. The bill would make the intentional causing of physical injury to a sports official a class D felony of assault in the second degree and create a class B misdemeanor of aggravated harassment of a sports official when a person, with intent to annoy, harass, threaten or alarm a sports official, strikes or expectorates on an official.

**Ohio** — HB 44 seeks to amend section 2903.13 of the Revised Code to increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official. The bill, sponsored by several representatives, was introduced on Feb. 4 and then referred to the Criminal Justice Committee. The committee had a third hearing for the bill on April 22.

**Texas** — SB 619 and HB 2721, sponsored by Rep. Eddie Lucio III, are identical bills which seek to prohibit a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official. The bills were introduced in February and March and referred to Education Committees.

**Virginia** — HB 1791, sponsored by Rep. Joseph McNamara, was introduced on Jan. 1. The bill, which sought to upgrade penalties for those who assault sports officials, was defeated by the Courts of Justice Committee on Feb. 5.

**Wisconsin** — Wisconsin AB 158, introduced in March, calls for harassment made against a sports official to become a Class A misdemeanor. The bill was referred to the Judiciary Committee and a public hearing was held for it on April 15.

Go to [naso.org](http://naso.org) for the latest legislation information and to download a pdf of this year's map.



## NASO SUPPORTS STATE LEGISLATION EFFORTS

**N**ASO has long advocated that sports officials need to be protected. Most recently, NASO provided support behind legislation in Connecticut, Ohio and Wisconsin after being asked by NASO members in those states to provide written, in-person and/or virtual testimony.

Written testimony submitted to these three states by NASO President Barry Mano included data from NASO's National Officiating Survey conducted in 2017. For example, Mano shared that 64 percent of officials have removed a spectator from the court or field for poor behavior.

"Sportsmanship applies to the personal safety of sports officials but is also a major issue impacting the recruitment and retention of officials," Mano wrote.

He also shared that many states have protected classes and increased penalties for assaulting someone in those classes.

"Steps must be taken to improve safety for sports officials, and the major source of the problem, which is bad fan behavior," Mano wrote. "Legislation establishing a special protected status for sports officials is an important and significant step toward improving working conditions for officials and keeping the pipeline open for new officials to enter this field."

**Wisconsin.** At the request of the Wisconsin Interscholastic Athletic Association, Mano submitted virtual testimony and testified in-person in front of the Assembly Judiciary Committee in support of Assembly Bill 158.

Mano asked the committee to consider the vulnerable situations sports officials find themselves in – similar to that of a healthcare worker, police officer or a judge.

The bill focuses on harassment

and intimidation of officials. Physical contact like striking, kicking or shoving a sports official is a focus as well. Those actions would carry an increased penalty from a Class B forfeiture of a fine up to \$1,000 to a Class A misdemeanor, which carries a penalty of a fine of up to \$10,000 or a prison sentence of up to nine months.

The bill also allows a judge to impose community service and require counseling.

**Ohio.** NASO had previously supported iterations of assault legislation in Ohio. This year,

are not fully protected under Connecticut law. The penalty for assaulting an official is the same as for assaulting a member of the general public, despite vulnerable situations officials can face. Currently, assaulting an official (without serious injury) could be classified as a Class A misdemeanor which carries up to one year in prison and/or a fine of up to \$2,000.

Protected class members, however, gain the benefit of assault punishable as a Class C felony which carries a penalty of not less than one, but no more

**"SPORTSMANSHIP APPLIES TO THE PERSONAL SAFETY OF SPORTS OFFICIALS BUT IS ALSO A MAJOR ISSUE IMPACTING RECRUITMENT AND RETENTION OF OFFICIALS."**

assault legislation in support of sports officials in Ohio has been reintroduced as House Bill 44.

According to the proposal, an assault on a sports official in Ohio would carry a mandatory \$1,500 fine and 40 hours of community service, in addition to the sentence for a first-degree misdemeanor which carries up to 180 days in jail. The bill would not change the jail time but would strengthen the fine in addition to adding community service requirements. The bill also carries a provision for subsequent offenders.

Mano submitted written testimony in support of HB 44 prior to the bill's second public hearing held on March 25.

**Connecticut.** NASO member Barry Chasen contacted NASO after he realized sports officials

than 10 years in prison and/or a fine of up to \$10,000.

In a virtual hearing on Senate Bill 1088 held on March 31, Mano testified before Connecticut Joint Judiciary Committee.

Mano explained to the committee that 22 other states have enacted this type of legislation so far. NASO has been involved in most of those states in helping get that passed.

"There is a severe shortage of sports officials nationwide – like nothing we've ever experienced. And that was pre-pandemic," Mano said.

Unfortunately, even with Mano's testimony, the bill ultimately died in committee.

NASO remains available to assist with legislation efforts. Resources are also available at [NASO.org/resources/legislation](https://NASO.org/resources/legislation). ■



NATIONAL ASSOCIATION



OF SPORTS OFFICIALS

# PRESS RELEASE

FOR RELEASE ON DECEMBER 17, 2019

## YOUR VOICE IS NEEDED TO ADVANCE ASSAULT LEGISLATION IN MARYLAND

FOR RELEASE DECEMBER 17, 2019

As many of you may be aware, a recent physical assault on a Maryland sports official was ultimately not prosecutable. This incident has also highlighted the fact that, unlike many other states, Maryland does not have strong laws in place supporting sports officials who are victims of menacing harassment or assault.

There is good news, however. This type of legislation is currently being drafted by Senator Klausmeier, and your voice is needed in support of this effort. Please consider contacting your state senator about this possible legislation that will go a long way toward ensuring the well-being of all sports officials in Maryland.

You can speak from your own experience or craft a message from this sample:

*I'm calling/writing to ask you to co-sponsor or support the bill being drafted by Senator Klausmeier that will enhance penalties for those who harass or assault sports officials, in line with what [more than 24 other states have already done](#).*

*I've seen firsthand the problems caused when we can't recruit and retain sports officials because of the increasingly difficult environments a handful of spectators have sometimes created at sporting events.*

*This type of bill won't be the end of bad behavior completely, but it would put a spotlight on a growing problem in Maryland and will only help bring awareness to the issue as well as support recruitment of officials.*



## **Assault Bill/Harassment Bill Supporting Points**

Courtesy of the National Association of Sports Officials (<https://www.naso.org/survey/>)

- *The average age of sports officials across the country is 53 years old*
- *Nearly 48% of male officials have felt unsafe or feared for their safety in connection to officiating.*
- *Nearly 45% of female officials have felt unsafe or feared for their safety in connection to officiating.*
- *57% of sports officials believe that sportsmanship is getting worse. Youth, adult recreation, and high school levels are identified as the worst sportsmanship levels.*
- *Parents (40%), coaches (30%) and fans (18%) cause the most sportsmanship problems.*
- *43% of officials and officiating leaders believe that most new officials quit within the first 1-3 years.*
- *13% of officials have been assaulted by either a fan, coach, or player.*
- *The average starting age for a sports official is now 40-45 years old. Thirty years ago, the average starting age for a sports official was 20-25 years old.*

You can find the senator from your district [HERE](#).

Sports cannot function without officials. Please consider the importance to our communities that youth sports carry, and remember how important your voice as a voter and as an official truly is in this effort to ensure the safety of all sports officials in Maryland.

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### **Contact: Bill Topp**

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The National Association of Sports Officials is the world's largest organization for sports officials at every level and all sports. More than 29,000 sports officials from around the world belong to NASO, enjoying member benefits and supporting an organization that advocates for sports officials and that helps them maintain the highest level of officiating skills.

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