

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2139

As Recommended by House Committee on
Education

Brief*

HB 2139 would create the crime of abuse of a sports official.

“Sports Official” Defined

The bill would define a “sports official” to mean a person who serves as a referee, umpire, linesman, timekeeper, assistant, inspector, or judge, or performs similar functions at a competitive event, whether paid or unpaid.

Crime of Abuse of a Sports Official

“Abuse of a sports official” would be the intentional:

- Striking, shoving, kicking, spitting on, or otherwise causing physical contact with a sports official or threatening to engage in such conduct;
- Approaching a sports official in a menacing, threatening, irate, or violent manner that would cause a reasonable person to fear for such person’s safety; or
- Directing threatening, abusive, or obscene language or making obscene gestures toward a sports official that would cause a reasonable person to fear for such person’s safety.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The offense would be a class B person misdemeanor, unless the sports official is less than 18 years of age, in which case it would be a class A person misdemeanor. [Note: Conviction of a class A misdemeanor carries a potential penalty of up to 1 year in jail and/or a fine of up to \$2,500. Conviction of a class B misdemeanor carries a potential penalty of up to 6 months in jail and/or a fine of up to \$1,000.]

Provisions of the bill would be part of and supplemental to the Kansas Criminal Code.

[Note: Under current law, such conduct could be punishable as an unlawful assault or battery.]

Background

The bill was introduced by the House Committee on Education at the request of Representative Sanders.

House Committee on Education

In the House Committee hearing, two sports officials provided **proponent** testimony, stating the bill would help protect officials from abuse, verbal or physical, before, during, and after a game. The officials pointed to a 2017 survey conducted by the National Association of Sports Officials and shared personal accounts. One of the officials stated he operates as an assigner for various events and highlighted the decline in registered officials and challenges in scheduling events statewide. Written-only proponent testimony was submitted by an umpire, the Executive Director of the Kansas State High School Activities Association (KSHSAA), the President of USA Softball of Kansas, and a deputy commissioner of USA Softball (northeastern Oklahoma). The KSHSAA representative's testimony noted, in comparison to 10 years ago, 1,365 fewer people are registered in the officiating pool. Some of the greatest reductions in registrations are seen in indoor activities where fans have

closer proximity to the officials; basketball and wrestling account for 732 of those reductions.

Neutral testimony was provided by a representative of the Kansas National Education Association. Written-only neutral testimony submitted by the President of Washburn University contained requests for clarification of the bill language and its expectations.

No opponent testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration (OJA) indicates enactment of the bill could increase the number of cases filed in district courts because it would create a new crime. The fiscal note further indicates that since the crime would carry a misdemeanor penalty, the OJA notes court services officers could be required to perform more supervision of offenders. In addition, enactment of the bill could also result in the collection of additional docket fees, supervision fees, and fines assessed in those cases filed under the bill's provisions. However, the fiscal note indicates a fiscal effect cannot be determined because the number of additional cases cannot be estimated. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Crimes; abuse of a sports official; penalties