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FISCAL IMPACT REPORT

SPONSOR: Romero DATE TYPED: 02/26/01 HB _____
 SHORT TITLE: Assault or Battery Upon Sports Official SB 400
 ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Current Criminal Code

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Bernalillo County Metropolitan Court
 Administrative Office of the District Attorneys (AODA)
 Office of the Attorney General (AG)
 Public Defender Department
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 400 adds a new section to the Criminal Code that makes it a criminal offense for assault and battery upon a sports official and prescribes penalties for such an offense. The bill defines a “sports official” and establishes the criteria and criminal offenses for what constitutes assault, aggravated assault, assault with intent to commit a violent felony, battery, aggravated battery with injury, and aggravated battery with great bodily harm.

Significant Issues

Sports officials as individuals are currently protected by the State’s Criminal Code regarding assault and battery. This bill provides for penalties that are greater than those penalties that could be imposed if the crimes were perpetrated against a member of the general public. Currently, New Mexico has similarly worded statutes that provide for higher penalties for assaults and batteries perpetrated against law enforcement officers and against school personnel: Sections 30-22-21 through 30-22-26 NMSA 1978 and 30-3-9 NMSA 1978.

The Administrative Office of the District Attorneys reports the following:

From a legal standpoint the significant issue would be in enforcing the increased criminal penalty in situations where the persons status as a sports official is not apparent since the act does not require that the assault or battery arise out of the event itself. Further, the act does not limit its application to a specific type of sanctioned sports event, thus any event which has an "official" (i.e. horseshoes, marathon, pee wee football, cheerleading) could subject a person to significantly increased penalty merely because they were at an event with an official even though there is no outward indication of their special status (i.e. uniform, badge etc.)

From a social standpoint, it would be questionable wisdom to subject a Mom or Dad to a felony merely for bumping or sticking their finger in the chest of an official while arguing a call. Further it would be applicable to professional sports as well as charity events as long as the "official" met the membership requirements. A visiting college coach or a hockey player could find himself facing a felony for merely touching an official while angry. A church team player or coach could be in a felony arrest even when they were not aware the "official" they touched was in an organization for education or training of officials.

FISCAL IMPLICATIONS

The impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions which would potentially increase court caseloads and the need for additional resources.

ADMINISTRATIVE IMPLICATIONS

See fiscal implications above.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

Relates to current sections of the Criminal Code which currently provide for penalties for assault and battery on an individual.

JMG/ar