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HOUSE BILL 275

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO CRIMINAL LAW; CREATING CRIMINAL OFFENSES FOR
ASSAULT OR BATTERY UPON A SPORTS OFFICIAL; PRESCRIBING
PENALTIES; ENACTING A NEW SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

" NEW MATERIAL ASSAULT- - BATTERY- - SPORTS OFFICIALS. - -

A. As used in this section:

(1) "in the lawful discharge of his duties"
means engaged in the performance of the duties of a sports
official, beginning when the sports official arrives at a
sports event and ending when a sports official returns to his
residence or business following a sports event; and

(2) "sports official" means a person who:

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1 (a) serves as a referee, umpire
2 linesman, timer or scorer, or who serves in a similar
3 capacity, while working, supervising or administering a sports
4 event; and

5 (b) is registered as a member of a
6 local, state, regional or national organization that is
7 engaged in providing education and training to sports
8 officials.

9 B. Assault upon a sports official consists of:

10 (1) an attempt to commit a battery upon the
11 person of a sports official while he is in the lawful
12 discharge of his duties; or

13 (2) any unlawful act, threat or menacing
14 conduct which causes a sports official while he is in the
15 lawful discharge of his duties to reasonably believe that he
16 is in danger of receiving an immediate battery.

17 C. Whoever commits assault upon a sports official
18 is guilty of a misdemeanor.

19 D. Aggravated assault upon a sports official
20 consists of:

21 (1) unlawfully assaulting or striking at a
22 sports official with a deadly weapon while he is in the lawful
23 discharge of his duties;

24 (2) committing assault by threatening or
25 menacing a sports official who is engaged in the lawful

1 discharge of his duties by a person wearing a mask, hood, robe
2 or other covering upon the face, head or body, or while
3 disguised in any manner so as to conceal identity; or

4 (3) willfully and intentionally assaulting a
5 sports official while he is in the lawful discharge of his
6 duties with intent to commit any felony.

7 E. Whoever commits aggravated assault upon a
8 sports official is guilty of a third degree felony.

9 F. Assault with intent to commit a violent felony
10 upon a sports official consists of any person assaulting a
11 sports official while he is in the lawful discharge of his
12 duties with intent to kill the sports official.

13 G. Whoever commits assault with intent to commit a
14 violent felony upon a sports official is guilty of a second
15 degree felony.

16 H. Battery upon a sports official is the unlawful,
17 intentional touching or application of force to the person of
18 a sports official while he is in the lawful discharge of his
19 duties, when done in a rude, insolent or angry manner.

20 I. Whoever commits battery upon a sports official
21 is guilty of a fourth degree felony.

22 J. Aggravated battery upon a sports official
23 consists of the unlawful touching or application of force to
24 the person of a sports official with intent to injure that
25 sports official while he is in the lawful discharge of his

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1 duties.

2 K. Whoever commits aggravated battery upon a
3 sports official, inflicting an injury to the sports official
4 that is not likely to cause death or great bodily harm, but
5 does cause painful temporary disfigurement or temporary loss
6 or impairment of the functions of any member or organ of the
7 body, is guilty of a third degree felony.

8 L. Whoever commits aggravated battery upon a
9 sports official, inflicting great bodily harm, or does so with
10 a deadly weapon or in any manner whereby great bodily harm or
11 death can be inflicted, is guilty of a second degree felony.

12 M A person who assists or is assisted by one or
13 more other persons to commit a battery upon any sports
14 official while he is in the lawful discharge of his duties is
15 guilty of a fourth degree felony. "

16 Section 2. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 8, 1999

7
8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 275

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17 1. On page 1, line 22 after "official" strike the comma
18 and strike the remainder of the line and strike all of lines 23
19 through 24 to the semicolon.

20
21 2. On page 3, line 21, strike "fourth degree felony" and
insert in lieu thereof "misdemeanor".

22
23 3. On page 4, line 7, strike "third" and insert in lieu
24 thereof "fourth".

25 4. On page 4, line 11, strike "second" and insert in lieu

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 275

Page 6

thereof "third".

5. On page 4, lines 12 through 15, strike Subsection Min
its entirety.,
and thence referred to the APPROPRIATIONS & FINANCE
COMMI TTEE.

Respectfully submitted,

R. David Pederson, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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HJC/HB 275

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The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

J:\99Bill\SWP\H0275

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 February 22, 1999

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7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 275, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 13 For 0 Against

Yes: 13

Excused: Buffett, Picraux, Varela, Watchman

Absent: None

J: \99BillSWP\H0275

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 10, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 275, as amended

has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to the JUDICIARY
COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Ingle, Stockard, Smith

Absent: None

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