



Judicial Impact Statement

www.ohiojudges.org

April 2019

SB 118 – Enhanced penalty – assault on sports official

SB 118

Sen. Roegner

Title Information

To amend section 2903.13 of the Revised Code to increase the penalty 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.

Background

Under Ohio law, a violation of R.C. 2903.13 (assault) is a misdemeanor of the first degree. Current law carves out a number of exceptions based on the facts surrounding the offense that elevate the offense from a first-degree misdemeanor to a felony. Those include (but are not limited to) an offense that is committed on the grounds of a correctional facility by a person under the facility's custody where the victim is an employee of the facility, an offense in which the victim is a peace officer, judge, firefighter, health care professional, or emergency-medical-service provider, and offenses committed on school property against a school teacher, administrator, or bus operator.

S.B. 118 would add offenses committed against a sports official while engaged in official duties during or immediately before or after a sports event, or committed against such an individual in retaliation for an action taken while he or she was engaged in official duties at a sports event to the list of circumstances under which the offense of assault is elevated from a misdemeanor to a felony (in this case, a felony of the fifth degree).

Judicial Impact

The Judicial Conference generally disfavors sentencing or penalty enhancements based on a special class of victims, in this case those who work or volunteer as "sports officials." The harm that a particular victim suffers should be dealt with no differently simply because that victim falls into a particular class. Judges believe the law must be applied equally regardless of who the victim is, and will always use their discretion in imposing sentences based on all relevant circumstances surrounding the offense, including, but not limited to, the occupation or volunteer activities of the victim.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.