

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 385**

4 (By Senators Kessler (Acting President) and Unger)

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6 [Originating in the Committee on the Judiciary;

7 reported February 8, 2011.]
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11 A BILL to amend and reenact §61-2-15a of the Code of West Virginia,
12 1931, as amended, relating to increasing special penalties for
13 assault and battery on an athletic official so that maximum
14 confinement is consistent with assault and battery on the
15 general public.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §61-2-15a of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 2. CRIMES AGAINST THE PERSON.**

20 **§61-2-15a. Assault, battery on athletic officials; penalties.**

21 (a) If any person commits an assault as defined in subsection
22 (b), section nine of this article, to the person of an athletic
23 official during the time the official is acting as an athletic
24 official, the offender is guilty of a misdemeanor, and, upon
25 conviction thereof, shall be fined not less than fifty dollars nor

1 more than one hundred dollars, ~~and imprisoned or confined~~ in the
2 ~~county~~ jail not less than twenty-four hours nor more than ~~thirty~~
3 ~~days~~ six months, or both.

4 (b) If any person commits a battery, as defined in subsection
5 (c), section nine of this article, against an athletic official
6 during the time the official is acting as an athletic official, the
7 offender is guilty of a misdemeanor, and, upon conviction thereof,
8 shall be fined not less than one hundred dollars nor more than five
9 hundred dollars, ~~and imprisoned or confined~~ in the ~~county~~ jail not
10 less than twenty-four hours nor more than ~~thirty days~~ twelve
11 months, or both.

12 (c) For the purpose of this section, "athletic official" means
13 a person at a sports event who enforces the rules of that event,
14 such as an umpire or referee, or a person who supervises the
15 participants, such as a coach.

(NOTE: The purpose of this bill is to increase the penalties
for assault and battery on an athletic official so that the maximum
penalties are in line with the penalties for assault and battery.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.)