

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 385

(By Senators Kessler (Acting President) and Unger)

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[Originating in the Committee on the Judiciary;  
reported February 8, 2011.]

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

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

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

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

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

1 (a) If any person commits an assault as defined in subsec-  
2 tion (b), section nine of this article, to the person of an  
3 athletic official during the time the official is acting as an  
4 athletic official, the offender is guilty of a misdemeanor, and,  
5 upon conviction thereof, shall be fined not less than fifty  
6 dollars nor more than one hundred dollars, ~~and imprisoned~~  
7 or confined in the county jail not less than twenty-four hours  
8 nor more than ~~thirty days~~ six months, or both.

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

17 (c) For the purpose of this section, "athletic official" means  
18 a person at a sports event who enforces the rules of that  
19 event, such as an umpire or referee, or a person who super-  
20 vises the participants, such as a coach.

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(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.)