

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2339

FISCAL
NOTE

BY DELEGATE WESTFALL

[Introduced February 12, 2021; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating
 2 to increasing the penalty for attacking an athletic official, and further defining the penalties
 3 for attacking an athletic official.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-15a. Assault, aggravated assault, assault with intent to commit a violent felony, and battery, and aggravated battery on athletic officials; penalties.

1 (a) If any person commits an assault as defined in subsection (b), section nine of this
 2 article of this code, to the person of an athletic official during the time the official is acting as an
 3 athletic official, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined
 4 not more than \$500, or confined in jail not more than six months, or both fined and confined.

5 (b) If any person commits a battery, as defined in subsection (c), section nine of this article,
 6 against an athletic official during the time the official is acting as an athletic official, the offender
 7 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or
 8 confined in jail not more than 12 months, or both fined and confined.

9 (c) If any person commits an aggravated assault upon a sports official; that is, unlawfully
 10 assaulting or striking at a sports official with a deadly weapon while he or she is in the lawful
 11 discharge of his or her duties; committing assault by threatening or menacing a sports official who
 12 is engaged in the lawful discharge of his or her duties by a person wearing a mask, hood, robe or
 13 other covering upon the face, head or body, or while disguised in any manner so as to conceal
 14 identity; or willfully and intentionally assaulting a sports official while he or she is in the lawful
 15 discharge of his or her duties with intent to commit any felony, the offender is guilty of a class six
 16 felony, and upon conviction thereof, shall be fined \$2,500, or confined five years in a state
 17 penitentiary, or both fined and confined.

18 (d) If any person commits an assault with intent to commit a violent felony upon a sports
 19 official consists of any person assaulting a sports official while he or she is in the lawful discharge

20 of his or her duties with intent to kill the sports official, the offender is guilty of a class five felony,
21 and upon conviction thereof, shall be fined \$2,500, or confined one to 10 years in a state
22 penitentiary, or both fined and confined.

23 (e) If any person commits aggravated battery upon a sports official, inflicting an injury to
24 the sports official that is not likely to cause death or great bodily harm, but does cause painful
25 temporary disfigurement or temporary loss or impairment of the functions of any member or organ
26 of the body, offender is guilty of a class four felony and, upon conviction thereof, shall be confined
27 two to 10 years in a state penitentiary.

28 (f) If any person commits aggravated battery upon a sports official, inflicting great bodily
29 harm, or does so with a deadly weapon or in any manner whereby great bodily harm or death can
30 be inflicted, the offender is guilty of a class three felony and, upon conviction thereof, shall be
31 confined five to 25 years in a state penitentiary.

32 ~~(e)~~ (g) For the purpose of this section, "athletic official" means a person at a sports event
33 who enforces the rules of that event, such as an umpire or referee, or a person who supervises
34 the participants, such as a coach.

NOTE: The purpose of this bill is to further define the penalties for attacking an athletic official at a sporting event.

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