

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 30 Committee Substitute

SHORT TITLE: Assaulting A Sports Official

SPONSOR(S): Senator Conder

FISCAL IMPACT: Expenditures: Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY/COMMITTEE SUBSTITUTE: - May 12, 1993 (Daily Bulletin)

ASSAULTING A SPORTS OFFICIAL. Intro. 2/3. Senate committee substitute replaces original bill with new bill entitled "AN ACT TO MAKE IT A GENERAL MISDEMEANOR TO COMMIT AN ASSAULT ON A SPORTS OFFICIAL." Amends G.S. 14-33(b) to make the assaulting of a sports official, when the official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties, a misdemeanor offense. Sports officials include umpires, referees, and coaches. Sports events include interscholastic or intramural athletic activity in schools, colleges or universities, any athletic activity sponsored by community, business, or nonprofit organizations, athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the state.

EFFECTIVE DATE: December 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department; Department of Correction

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: N/A

ASSUMPTIONS AND METHODOLOGY: It is not anticipated that the proposed legislation would have a significant impact on the Judicial

Department or the Department of Correction (DOC). The Administrative Office of the Courts reports that offenses covered under this legislation are currently charged in district court as either simple assault/affray or as assault/ affray. Simple assault and simple affray are misdemeanors punishable by a fine of up to \$50 or imprisonment for not more than 30 days. Assault and affray (often charged when the offender inflicts or attempts to inflict serious injury or uses a deadly weapon) are general misdemeanors punishable by a fine, up to two years imprisonment, or both. This bill would make any assault against a sports official a general misdemeanor. The AOC estimates no significant impact for the Judicial Department since no additional defendants would be brought into the court system and since these cases would continue to be heard under similar circumstances in district court.

Likewise, the increase in potential penalty from a maximum 30 days incarceration to up to 2 years incarceration is not anticipated to have a significant impact on the DOC. No instances of physical assault were identified in telephone interviews (conducted by the Fiscal Research Division) with representatives of the athletics divisions of the Parks and Recreation Departments in Raleigh, Charlotte, Asheville, and Wilmington. The Parks and Recreation Departments coordinate a number of sports such as baseball, softball, basketball and volleyball for youths and adults. Likewise, a representative of the Atlantic Coast Conference (basketball and baseball programs only) indicated that there have been no assaults in recent years. The athletics coordinator (employed by the N.C. Dept. of Public Instruction) for middle school and junior high sports across the state could not recall any assaults in the past six years. The only known incidents of assault were identified by Mr. Dick Knox, a representative of the N.C. High School Athletic Association. Mr. Knox estimated that between 8 to 10 assaults had occurred against sports officials involved in high school athletics over the past 12 months. Of these incidents, Mr. Knox estimated that one half involved incidents causing serious injury. Hence, one half of the 8 to 10 incidents are likely to have already been charged as the more serious misdemeanor offense.

Although it is likely that additional assaults have occurred in programs not contacted in the above survey, it is believed to be a small number. Nearly all those contacted mentioned the prevalence of verbal assault, but no one believed there to be a high incidence of physical assault.

Considering the wide range of sentencing options available to the court (i.e., a fine, a suspended sentence, or any length of incarceration not to exceed two years), it is unlikely that the proposed legislation would have a significant impact upon the DOC.

SOURCES OF DATA: Administrative Office of the Courts; N.C. High School Athletic Association; N.C. Department of Public Instruction; Atlantic Coast Conference; Parks and Recreation Departments in Raleigh, Charlotte, Asheville and Wilmington.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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DATE: 09-June-93

[FRD#003]



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