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CRIMES AND OFFENSES

Crimes Against the Person: Amend Punishment for Any Person Who Commits the Offense of Simple Battery or Battery Against a Sports Official of an Amateur Contest

CODE SECTIONS:	O.C.G.A. §§ 16-5-23, -23.1 (amended)
BILL NUMBER:	HB 265
ACT NUMBER:	464
GEORGIA LAWS:	2000 Ga. Laws 16
SUMMARY:	The Act changes two sections of the Georgia Code to impose more severe penalties on individuals convicted of battery against a sports official. The Act makes battery of an amateur sports official a misdemeanor of a high and aggravated nature.
EFFECTIVE DATE:	July 1, 2000

History

In response to reports from parks and recreation field members that attacks against sports officials were increasing, the General Assembly passed HB 265 in an attempt to curb the violence.¹ The sponsors of HB 265 were looking to “give teeth” to the assault and battery laws.²

The Act’s passage was not a highly contested issue.³ The Act came on the heels of the General Assembly’s passage of Georgia’s first hate crime legislation.⁴ Although much more limited in scope, HB 265 was discussed in connection with and compared to the hate crimes legislation.⁵

1. *See* Audio Recording of House Proceedings, Feb. 3, 1999 (remarks by Rep. Stan Watson) <<http://www.ganet.org/services/leg/audio/99archive.html>> [hereinafter House Audio].

2. *See id.*

3. *See id.*

4. *See* 2000 Ga. Laws 224 (codified at O.C.G.A. §§ 17-10-17 to -19 (Supp. 2000)).

5. *See* Audio Recording of Senate Proceedings, Feb. 14, 2000 (remarks by Sen. Michael Egan) <<http://www.ganet.org/services/leg/audio/2000archive.html>>.

*HB 265**Introduction*

Representatives Stan Watson, J. Max Davis, Larry Walker, Allen Hammondtree, Mack Crawford, and Vernon Jones of the 70th, 60th, 141st, 4th, 129th, and 71st Districts, respectively, sponsored HB 265.⁶ Representative Watson introduced the bill on January 27, 1999.⁷ The House assigned the bill to its Judiciary Committee, which favorably reported the bill on February 2, 1999.⁸ The House adopted a floor amendment and passed the bill by a 131 to 34 margin on February 3, 1999.⁹

HB 265 was read in the Senate for the first time on February 4, 1999, and it was assigned to the Senate Judiciary Committee.¹⁰ The Committee did not favorably report the bill during the 1999 legislative year, and it was recommitted and read a third time on January 10, 2000.¹¹ The Committee favorably reported the bill, via substitute, on February 4, 2000.¹² The Senate adopted the substitute and unanimously passed the bill.¹³ The House ratified the Senate substitute of HB 265 on February 16, 2000.¹⁴

Consideration by the House

The House Judiciary Committee favorably reported the bill, as introduced, to the House floor on February 2, 1999.¹⁵ As introduced, the bill would have allowed an increased penalty (fine and imprisonment) for assault on a sports official.¹⁶ Some Representatives, including Representative Glenn Richardson from the 26th District, were concerned that such a rule would envelop normal verbal abuse of an official for a bad call.¹⁷ Thus,

6. *See* HB 265, as introduced, 1999 Ga. Gen. Assem.

7. *See* State of Georgia Final Composite Status Sheet, May 3, 1999.

8. *See id.*

9. *See* Georgia House of Representatives Voting Record, HB 265 (Feb. 3, 1999).

10. *See* State of Georgia Final Composite Status Sheet, May 3, 1999.

11. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

12. *See id.*

13. *See* Georgia Senate Voting Record, HB 265 (Feb. 14, 2000).

14. *See* Georgia House of Representatives Voting Record, HB 265 (Feb. 16, 2000).

15. *See* State of Georgia Final Composite Status Sheet, May 3, 1999.

16. *See* HB 265, as introduced, 1999 Ga. Gen. Assem.

17. *See* House Audio, *supra* note 1 (remarks by Rep. Glenn Richardson).

any verbal criticism directed toward an official might be the grounds for invoking the enhanced penalties offered in HB 265.¹⁸ Therefore, the House adopted a floor amendment, which removed the assault terms, leaving only the battery portions in the bill.¹⁹

Consideration by the Senate Judiciary Committee

The bill was recommitted to the Senate on January 10, 2000.²⁰ The Senate Committee edited the House version by deleting language that referred to the removed assault provisions.²¹ Following such deletions, the Senate Judiciary Committee favorably reported the bill, as substituted, to the Senate on February 4, 2000.²²

From the Judiciary Committee to the Senate Floor

The Senate passed the bill, as substituted, on February 14, 2000, with no opposition.²³ The House ratified the Senate version on February 16, 2000, and Governor Roy Barnes signed HB 265 it into law on February 24, 2000.²⁴

The Act

The Act strengthens the penalties for simple battery and battery against sports officials.²⁵ In particular, the Act adds subsection (h) to Code section 16-5-23, which deals with simple battery, and subsection (l) to Code Section 16-5-23.1, which deals with battery.²⁶ Both subsections impose penalties of a "high and

18. *See id.*

19. *Compare* HB 265, as introduced, 1999 Ga. Gen. Assem., *with* HB 265 (HFA), 1999 Ga. Gen. Assem.

20. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

21. *Compare* HB 265 (HFA), 1999 Ga. Gen. Assem., *with* HB 265 (SCS), 2000 Ga. Gen. Assem.

22. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

23. *See* Georgia Senate Voting Record, HB 265 (Feb. 14, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

24. *See* Georgia House of Representatives Voting Record, HB 265 (Feb. 16, 2000); *see also* 2000 Ga. Laws 16, § 3, at 20.

25. *See* O.C.G.A. §§ 16-5-23, -23.1 (Supp. 2000).

26. *Compare* 1999 Ga. Laws 562, §§ 3-4, at 563-65 (formerly found at O.C.G.A. §§ 16-5-23, -23.1 (1999)), *with* O.C.G.A. §§ 16-5-23, -23.1 (Supp. 2000).

aggravated” misdemeanor for either battery or simple battery of officials of amateur sporting events.²⁷

The Act only applies to amateur sporting events.²⁸ Thus, battery occurring during professional and semi-professional sporting events is not subject to enhanced penalties.²⁹ The Act applies to battery occurring before, during, and after the officiating.³⁰ However, it only protects an official while he is on or exiting the property where the officiating occurs.³¹ ‘Sports official’ is defined as any person who officiates, umpires, or referees a sporting event.³² Finally, the Act defines ‘amateur’ as collegiate, elementary or secondary schools, and recreation levels.³³

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27. Compare 1999 Ga. Laws 562, §§ 3-4, at 563-65 (formerly found at O.C.G.A. §§ 16-5-23, -23.1 (1999)), with O.C.G.A. §§ 16-5-23, -23.1 (Supp. 2000).

28. See O.C.G.A. §§ 16-5-23(h), -23.1(l) (Supp. 2000).

29. See *id.* §§ 16-5-23(h), -23.1(l).

30. See *id.* §§ 16-5-23(h), -23.1(l).

31. See *id.* §§ 16-5-23(h), -23.1(l).

32. See *id.* §§ 16-5-23(h), -23.1(l).

33. See *id.* §§ 16-5-23(h), -23.1(l).