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ROLL NUMBER

DESCRIPTION

1208

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10/2/03
Date

2003 HOUSE JUDICIARY

HB 1208

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208

House Judiciary Committee

Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
1	xx		21-end
1		xx	0-5
Committee Clerk Signature <i>W Penrose</i>			

Minutes: 11 members present, 2 members absent (Rep. Bernstein, Rep. Eckre)

Chairman DeKrey: We will open the hearing on HB 1208.

Rep. Lyle Hanson: Introduced the bill (see attached amendments).

Rep. Grande: I understand where you are headed with us. Can we not enforce this already.

You can't harass people, you can't abuse people, can't we just start enforcing the laws we have.

Rep. Hanson: Rep. Kretschmar was the attorney on the committee, he might know better.

There must be some reason for this to be added. I think we need a little protection one way or another.

Rep. Grande: Then would you mind amending it to include coaches.

Rep. Hanson: Whatever you feel is necessary is fine with me.

Rep. Klemin: On line 10, it makes it a class A misdemeanor, if someone negligently causes bodily injury with a weapon. How can that happen.

Rep. Hanson: A.G.'s office made some changes to the bill.

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House Judiciary Committee
Bill/Resolution Number HB 1208
Hearing Date 2-3-03

Rep. Grande: Currently you do something with a weapon, isn't that a felony, instead of the class A misdemeanor. (This question was addressed to Rep. Klemin, he didn't know the answer.)

Chairman DeKrey: Thank you. Further testimony in support of 1208.

Dave Carlsrud, High School Activities Association: Support. Want to see the penalties increased.

Rep. Kretschmar: Were criminal charges ever filed in the incidents that you just related?

Mr. Carlsrud: One of which I am aware. Two of them came to our Board.

Rep. Kretschmar: What happened in that case that went to court.

Mr. Carlsrud: Since one of the offenders was a juvenile, he was given probation.

Rep. Klemin: With so few criminal complaints being filed, what would this bill do differently that we don't have now?

Mr. Carlsrud: As I understand this, it would provide for a greater penalty.

Rep. Grande: Could those cases not have been filed already, and if we have a higher penalty, if people aren't willing to take action now when the penalty is less, if they know it is going to be severe, that may deter a person from filing because it's somebody's grandparent?

Mr. Carlsrud: It may or may not.

Rep. Grande: I would like to see the laws we currently have actually work, and if we aren't willing to use the laws we have, if we make them stricter, then we may not have anybody willing to do anything.

Mr. Carlsrud: I can't speak to that.

Chairman DeKrey: Thank you. Any further testimony in support.

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House Judiciary Committee
Bill/Resolution Number HB 1208
Hearing Date 2-3-03

Mr. Herman, sports official: (see attached testimony).

Rep. Boehning: Aren't people just doing what they see going on at professional games, and what players are doing to the referees. If this bill going to help us.

Mr. Herman: Yes, because we feel this bill will help create public awareness.

Rep. Klemin: If we pass the bill, will there be education of the public going on in the schools? Will the penalties be explained in the education.

Mr. Herman: I can't speak on behalf of the Activities Association, but I can speak as to what I do in my school, and yes there is ongoing education, and will be communicated to my constituents.

Rep. Boehning: What measures do you have in place in your school if it happens now.

Mr. Herman: The school board has looked at policies, and look at each situation individually.

Rep. Delmore: Is there security at activities?

Mr. Herman: No law enforcement at games - we don't have the resources.

Rep. Delmore: Class A does have security, do you think this bill would help at the smaller schools.

Mr. Herman: Yes I think this bill will work, but not necessarily so much as the penalty issue, but it is an education issue, which I can use to reinforce the position that we need to take better care of sportsmanship.

Rep. Kretschmar: In your experience over the last two years, have you seen an increase of bad sportsmanship.

Mr. Herman: Yes, it is also nationwide.

Chairman DeKrey: Thank you. Further testimony in support of HB 1208.

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House Judiciary Committee
Bill/Resolution Number HB 1208
Hearing Date 2-3-03

Joe Killoran: Support. We need to have laws in place where the official doesn't have to bring a complaint against someone, the person would just get ticketed.

Rep. Grande: Where does it say you don't have to officially file a complaint.

Mr. Killoran: I would assume that we have a law on the books that doesn't require the official to file the complaint.

Rep. Grande: You would like to see it amended to say that.

Mr. Killoran: I would like to see that, and also that the penalty is more severe for each occurrence.

Rep. Grande: In our school after one incident you are removed, and that can be verbal or written. You do not return until the board members allow you back in the building. I guess what you would like to see in your amendment is that we give sporting officials the right to write tickets as though they were law enforcement.

Mr. Killoran: No, I don't want to give the sport official the authority that he has to write a ticket, I would like to see a school administrator, a civilian that brings it to the attention of a law enforcement official, so it doesn't have to be the sporting official who has to right the ticket.

Rep. Grande: In our school, every parent has to sign off on a behavioral sheet, and if removed are not allowed back into any of the games. There must be a better way of handling this instead of moving to the point where principals writing tickets.

Mr. Killoran: But if you have a law in effect, you might get the schools to act on that because of that law, because you would have more disciplinary actions taken in the schools.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Mueller: Support. Want to maintain the integrity of the game.

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House Judiciary Committee
Bill/Resolution Number HB 1208
Hearing Date 2-3-03

Chairman DeKrey: Thank you. Any further testimony in support, in opposition? We will close the hearing.

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Dennis G. Ball
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12/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208

House Judiciary Committee

Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
2		x	15.5-31.3
Committee Clerk Signature <i>D. Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Chairman DeKrey: What are the committee's wishes in regard to HB 1208.

Rep. Maragos: I move to adopt the A.G. amendments.

Rep. Kretschmar: Seconded.

Voice vote: 11 yes, 1 no.

Rep. Klemin: I would like to make a motion to amend HB 1208, to remove #2, line 10.

Rep. Grande: Seconded.

Voice vote: Carried.

Rep. Maragos: Move a Do Pass with both amendments.

Rep. Onstad: Seconded.

11 YES 1 NO 1 ABSENT DO PASS W/AMENDMENTS CARRIER: Rep. Onstad

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D. Penrose
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10/2/03
Date

30085.0102
Title.

Prepared by the Legislative Council staff for
Representative Hanson
January 17, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1208

Page 1, line 9, replace "Purposely or knowingly" with "Willfully"

Page 1, line 11, replace "Purposely or knowingly" with "Willfully" and remove "of an insulting or provoking nature"

Page 1, line 12, after "with" insert "oneself or gestures, in a manner designed to insult or provoke"

Page 1, line 13, replace "Purposely or knowingly" with "Willfully"

Renumber accordingly

Page No. 1

30085.0102

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Dorinda Hallock
Operator's Signature

1/21/03
Date

30085.0103
Title.0300

Prepared by the Legislative Council staff for
Representative Hanson
January 17, 2003

VR
2/4/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1208 JUD 2-05-03

- Page 1, line 9, replace "Purposely or knowingly" with "Willfully"
- Page 1, remove line 10
- Page 1, line 11, replace "3. Purposely or knowingly" with "2. Willfully" and remove "of an insulting or provoking nature"
- Page 1, line 12, after "with" insert "oneself or gestures, in a manner designed to insult or provoke"
- Page 1, line 13, replace "4. Purposely or knowingly" with "3. Willfully"
- Renumber accordingly

Page No. 1

30085.0103

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Deanna Bell
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10/2/03
Date

Date: 2/3/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1208

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 30085.0103 .0300

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Onstad

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham		✓			

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep. Onstad

If the vote is on an amendment, briefly indicate intent:

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Dennis G. Ball 10/2/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 5, 2003 9:28 a.m.

Module No: HR-22-1675
Carrier: Onstad
Insert LC: 30085.0103 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1208: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Purposely or knowingly" with "Willfully"

Page 1, remove line 10

Page 1, line 11, replace "3. Purposely or knowingly" with "2. Willfully" and remove "of an insulting or provoking nature"

Page 1, line 12, after "with" insert "oneself or gestures, in a manner designed to insult or provoke"

Page 1, line 13, replace "4. Purposely or knowingly" with "3. Willfully"

Renumber accordingly

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2003 TESTIMONY

HB 1208

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10/2/03
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Matt Herman

To: House Judiciary Committee
Subject: Testimony in support of HB 1208

Chairman DeKrey and Members of the House Judiciary Committee

For the record, my name is Matt Herman and I'm from Ashley. I'm a sports official. I am also a high school principal and activities administrator at Ellendale High School. I stand before you today to testify in support of HB 1208.

Please allow me to share these words from the National Association of Sports Officials web site:

"Sadly, there has been a disturbing increase in the number of reported assaults and lawsuits against the men and women who officiate our games today. Many of these people either volunteer their time or officiate for minimal pay. In most cases, attacks occur from overzealous fans, players, or coaches who have lost perspective of what the games are about and have emotionally decided to "take matters into their own hands." Often times, no security exists and officials are placed in a dangerous situation because they must maintain a calm demeanor that protects the integrity of the sport, the organization that utilizes their services, and the profession itself. Vulnerable may be an understatement.

At many youth, recreational, and high school events no security measures are provided at all. It is at these events where officials are most vulnerable. It is at these events where emotions can become so intense that physical attacks include using bats, chairs, tire irons, and even guns.

Sports officials are conditioned to take the verbal abuse. Most officials will "tune out" the aggressively verbal fan. In all cases, such behavior by players and coaches can be handled through the rules of the game. However, physical abuse crosses the line. When someone charges an official with an intent to cause bodily harm, then prosecution must be a recourse. Otherwise, you are declaring open season on all sports officials.

If the behavior of those who cross the line goes unpunished, the number of officials working such events will continue to decline. Many officials now wonder if it is worth it. We believe the answer is still "Yes" because sports needs the impartiality of the official. Our community youth programs and high schools need officials to ensure that events are conducted safely and fair."

This is a quote from Barry Mano, President of the National Association of Sports Officials, "When during a game Roberto Alomar of the Baltimore Orioles spit in the face of umpire John Hirschbeck, America was outraged. In the [two] years since that incident, the pace of assaults against sports officials has quickened, especially at the recreational and youth levels.

Today the health of our games is being attacked by the cancer of bad behavior, much of it occurring in full view of our young people who participate in organized sports. We must do something to send a clear signal that such behavior will not be tolerated and we need to do so for two reasons.

First, the men, women, boys, and girls who give their time and energy to officiate not only deserve our collective respect, they must have complete confidence that they will be able to carry out their responsibilities in a safe environment. Without this confidence, we will lose the "best and brightest" in our field.

Second, as a society we need to act on our belief that respect for authority, whether you agree with it or not, is critical to living, working, and playing together. Sports needs to be a beacon, highlighting positive accomplishments and the need for sportsmanship and fair play.

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While education of the public about these vital matters continues to be important, recent events point out the need for strong sanctions against those who engage in bad behavior at sporting events."

Nation wide, 15 states already have legislation such as HB 1208 in place and this legislation is pending in other states. It is time for North Dakota to act as well.

This is one aspect of the very big picture of sportsmanship. At our school, we are taking measures to stress the importance of good sportsmanship and educate our athletes, parents, fans and the public. We initiated these efforts even prior to the formation of the ad hoc committee of the North Dakota High School Activities Association to address sportsmanship issues. While education is an important part of sportsmanship, we need this legislation. We must all work together as sportsmanship is not just a problem of the High School Activities Association or its member schools. Sportsmanship is a problem we all must address. HB 1208 is a clear signal the Legislative Assembly can send to the citizens of North Dakota that bad behavior has no place in sports.

The Activities Association and the high schools of North Dakota will continue to take action. I ask the State Legislature to do the same, and it starts with this committee giving HB 1208 a do pass.

Thank you.

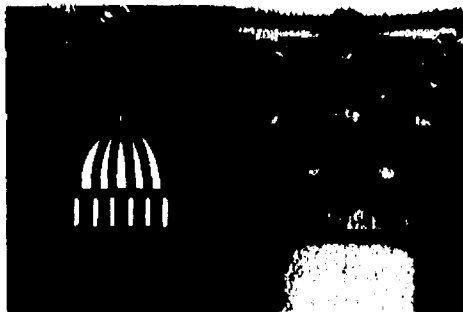


Matt Herman

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National Conference of State Legislatures

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2002

VOL. 10, No. 18

Abusing Sports Officials

By Janna Goodwin

Sporting events are a way of life for many Americans.

Sporting events are a way of life for many Americans. It is a bonding ritual, meeting forum and connecting custom for fans around the nation. And it's everywhere—at least a quarter of newspapers and television newscasts are devoted to sports. Clever merchandising is reflected in proudly modeled logos of favorite teams on shirts, coats and even cars.

There are, however, repercussions to such intense dedication to athletic events. Overzealous players, coaches and fans may get so caught up in the frenzy of a game that physical or verbal aggression ensues. Sometimes after a particularly unpopular call has been rendered, the mere chorus of boos can encourage a mob mentality, which unfortunately can lead to violence. Sports officials find themselves as targets not only of oral attacks, but also of physical confrontations.

Violence at the Professional Level. Perhaps the best-known case of violence against a sports official was in 1996 when then-Baltimore Oriole Roberto Alomar spit in the face of umpire John Hirschbeck. Alomar received a five-game suspension, but he appealed and was allowed to play the last two games of the season pending a decision. As a result of the outrage, umpires threatened to take a "no tolerance" stance against such lack of respect.

Professional sports organizations primarily police themselves as to violence against sports officials.

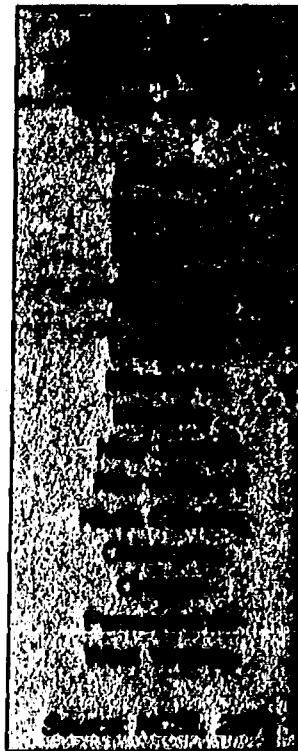
Major League Baseball, the National Football League and other professional sports organizations primarily police themselves as to violence against sports officials. Most consistently dispense fines and suspensions against the players involved. The National Basketball Association has no provision specifically dealing with assaults on referees, but does regulate player conduct and sportsmanship. No professional organization, however, can explicitly control fan behavior, which falls under the aegis of state and local laws on public safety, assault and battery.

State Action

At least 15 states have enacted protective legislation for sports officials.

At least 15 states have enacted protective legislation for sports officials. Although some incidents go through criminal court, these states specifically address violence against sports officials.

A majority of these laws deal with violence at both the professional and amateur level, but the amateur level is where most of the headlines focus—the angry hockey dad, the enraged football coach or the expletive-spewing fan.



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Abuse is described in several ways in state law. Most detail abuses of sports officials as bodily harm or physical contact. Arkansas, Delaware and Kentucky define it as "causing physical injury." California, Georgia and Louisiana define abuse as simple battery. North Carolina, Oklahoma and West Virginia include assault as well as battery in their definitions. New Mexico, one of the latest states to pass a law protecting sports officials, goes a step further and includes threats and "menacing conduct" in its statute.

Abuse is described in several ways in state law.

Several states, such as Arkansas and Louisiana, classify the crime as Class A misdemeanors. Delaware law provides progressive punishment for repeat offenders, with the first offense a Class A misdemeanor and subsequent convictions a Class G felony. Kentucky categorizes assault on a sports official as a Class D felony. Others, like California, Georgia and Montana, dispense fines or imprisonment of varying amounts. Oklahoma's law accords significantly more jail time for conviction of assaulting a sports official (as opposed to an ordinary person)—anywhere from an extra 90 days to a year.

In 2001, Illinois Governor George Ryan vetoed legislation that penalized those convicted of battery against a sports official. Among several reasons was the limitation of protection afforded referees. Ryan pointed out the law would not cover sports officials who were harassed outside the scope of the athletic event. A handful of states do cover officials immediately prior to, during or immediately following a contest, but do not address any harassment or abuse after that.

In a National Association of Sports Officials survey, 76 percent of officials cited quitting their jobs due to the poor sportsmanship of spectators. Sports officials would like to perform their difficult tasks in an independent, professional and competent manner unfettered by the threat of verbal battery and personal injury. The integrity of athletic competition could be at risk if those calling it are also at risk.

Selected References


National Association of Sports Officials. *Officials Under Assault: Update 2001*. Racine, Wis., 2001. <http://www.naso.org/>

Referee magazine. Frankville, Wis., 2001. <http://www.referee.com/>

Contact for More Information

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