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SENATE BILL 400

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO CRIMINAL LAW; CREATING CRIMINAL OFFENSES FOR  
ASSAULT OR BATTERY UPON A SPORTS OFFICIAL; PRESCRIBING  
PENALTIES; ENACTING A NEW SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted  
to read:

" NEW MATERIAL ASSAULT-- BATTERY-- SPORTS OFFICIALS. --

A. As used in this section:

(1) "in the lawful discharge of his duties"  
means engaged in the performance of the duties of a sports  
official, beginning when the sports official arrives at a  
sports event and ending when a sports official returns to his  
residence or business following a sports event; and

(2) "sports official" means a person who:

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1 (a) serves as a referee, umpire  
2 linesman, timer or scorer, or who serves in a similar  
3 capacity, while working, supervising or administering a sports  
4 event; and

5 (b) is registered as a member of a  
6 local, state, regional or national organization that is  
7 engaged in providing education and training to sports  
8 officials.

9 B. Assault upon a sports official consists of:

10 (1) an attempt to commit a battery upon the  
11 person of a sports official while he is in the lawful  
12 discharge of his duties; or

13 (2) any unlawful act, threat or menacing  
14 conduct that causes a sports official while he is in the  
15 lawful discharge of his duties to reasonably believe that he  
16 is in danger of receiving an immediate battery.

17 C. Whoever commits assault upon a sports official  
18 is guilty of a misdemeanor.

19 D. Aggravated assault upon a sports official  
20 consists of:

21 (1) unlawfully assaulting or striking at a  
22 sports official with a deadly weapon while he is in the lawful  
23 discharge of his duties;

24 (2) committing assault by threatening or  
25 menacing a sports official who is engaged in the lawful

1 discharge of his duties by a person wearing a mask, hood, robe  
2 or other covering upon the face, head or body, or while  
3 disguised in any manner so as to conceal identity; or

4 (3) willfully and intentionally assaulting a  
5 sports official while he is in the lawful discharge of his  
6 duties with intent to commit any felony.

7 E. Whoever commits aggravated assault upon a  
8 sports official is guilty of a third degree felony.

9 F. Assault with intent to commit a violent felony  
10 upon a sports official consists of any person assaulting a  
11 sports official while he is in the lawful discharge of his  
12 duties with intent to kill the sports official.

13 G. Whoever commits assault with intent to commit a  
14 violent felony upon a sports official is guilty of a second  
15 degree felony.

16 H. Battery upon a sports official is the unlawful,  
17 intentional touching or application of force to the person of  
18 a sports official while he is in the lawful discharge of his  
19 duties, when done in a rude, insolent or angry manner.

20 I. Whoever commits battery upon a sports official  
21 is guilty of a fourth degree felony.

22 J. Aggravated battery upon a sports official  
23 consists of the unlawful touching or application of force to  
24 the person of a sports official with intent to injure that  
25 sports official while he is in the lawful discharge of his

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1 duties.

2 K. Whoever commits aggravated battery upon a  
3 sports official, inflicting an injury to the sports official  
4 that is not likely to cause death or great bodily harm, but  
5 does cause painful temporary disfigurement or temporary loss  
6 or impairment of the functions of any member or organ of the  
7 body, is guilty of a third degree felony.

8 L. Whoever commits aggravated battery upon a  
9 sports official, inflicting great bodily harm, or does so with  
10 a deadly weapon or in any manner whereby great bodily harm or  
11 death can be inflicted, is guilty of a second degree felony.

12 M. A person who assists or is assisted by one or  
13 more other persons to commit a battery upon any sports  
14 official while he is in the lawful discharge of his duties is  
15 guilty of a fourth degree felony. "

16 Section 2. EFFECTIVE DATE. --The effective date of the  
17 provisions of this act is July 1, 2001.

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