

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 400

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

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;

(2) "sports official" means a person who:
(a) serves as a referee, umpire
linesman, timer or scorer, or who serves in a similar

1 capacity, while working, supervising or administering a sports
2 event; and

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

7 B. Assault upon a sports official consists of:

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

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

15 C. Whoever commits assault upon a sports official
16 is guilty of a misdemeanor.

17 D. Aggravated assault upon a sports official
18 consists of:

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

22 (2) committing assault by threatening or
23 menacing a sports official who is engaged in the lawful
24 discharge of his duties by a person wearing a mask, hood, robe
25 or other covering upon the face, head or body, or while

1 disguised in any manner so as to conceal identity; or

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

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

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

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

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

18 I. Whoever commits battery upon a sports official
19 is guilty of a misdemeanor.

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

25 K. Whoever commits aggravated battery upon a

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1 sports official, inflicting an injury to the sports official
2 that is not likely to cause death or great bodily harm, but
3 does cause painful temporary disfigurement or temporary loss
4 or impairment of the functions of any member or organ of the
5 body, is guilty of a fourth degree felony.

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

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