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## FISCAL IMPACT REPORT

**SPONSOR** Martinez, R.C. **ORIGINAL DATE** 02/26/09 **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_  
**SHORT TITLE** Assault & Battery on a Sports Coach **SB** 687  
**ANALYST** Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Indeterminate See Below	Indeterminate See Below		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 843, Relates to HB 658

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Administrative Office of the District Attorneys (AODA)  
Attorney General's Office (AGO)  
Higher Education Department (HED)  
Sentencing Commission (SC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 687 creates the crime of assault and battery upon a sports coach and establishes penalties for the crime.

The bill defines a sports coach as a person who serves as a coach, assistant coach, instructor, manager or trainer while working with, supervising or administering to a sports team or individual athlete in a formally organized sports association.

Assault consists of an attempt to commit battery upon the sports coach in the discharge of a sports coach's duties or any unlawful act, threat or menacing conduct that causes the sports coach to believe that the coach is in danger of receiving an immediate battery. Assault upon a sports coach is a misdemeanor.

Aggravated assault consists of any person unlawfully assaulting or striking at a sports coach with a deadly weapon in the discharge of the coach's duties. Aggravated assault is a third degree felony.

Battery is the unlawful, intentional touching or application of force to the sports coach when done in a rude, insolent or angry manner. Battery upon a sports coach is a misdemeanor.

Aggravated battery is the unlawful touching or application of force to the sports coach with the intent to injure the coach. Any person who inflicts injury to the sports coach that does not cause death or great bodily harm but does cause painful temporary disfigurement or impairment to the functions of the organs of the body is guilty of a fourth degree felony.

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

## **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase

## **SIGNIFICANT ISSUES**

In 2006, the Connecticut Office of Legislative Research reported 18 states with criminal laws regarding assault of a sports official. These states are: Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Montana, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, Texas, and West Virginia. Most of these states provide specific penalties either by creating a new crime or raising the penalty for one or more existing crimes when they are committed against a sports official.

The laws vary in terms of what officials are covered and what levels of sports activities are covered. Some of these laws also cover coaches and other participants but we have not included that information in this report. In addition to these criminal provisions, two states have civil statutes. Minnesota authorizes the Minnesota State High School League or a school board to ban someone from attending interscholastic activity for up to 12 months for assaulting a sports official. Oregon has a provision for liquidated damages of \$500 to \$ 1,000, in addition to any other damages, in civil cases for injuries suffered by a sports official.

Battery upon a sports coach is the unlawful, intentional touching or application of force to the person of a sports coach while the sports coach is in the lawful discharge of the sports coach's duties, when done in a rude, insolent or angry manner. The SC states that this language may present a problem for the courts to interpret.

As individuals, sports coaches are currently protected by the State's Criminal Code regarding assault and battery. SB687 provides for penalties that are greater than those that could be imposed if the crimes were perpetrated against a member of the general public. New Mexico has similarly worded statutes that provide for higher penalties for assaults and batteries perpetrated against law enforcement officers, school personnel, and sports officials.

**ADMINISTRATIVE IMPLICATIONS**

There could be an administrative impact on the courts resulting from added judicial time needed to dispose of these types of cases in the manner provided under the law.

**DUPLICATION, RELATIONSHIP**

SB 687 duplicates HB 843.

Relates to HB 658, Assault & Battery Upon Firefighters that proposes similar protections for firefighters and enhanced penalties for those who assault or batter them.

**TECHNICAL ISSUES**

The AGO notes there is no enhanced penalty for aggravated battery and no assault with intent to commit a violent felony provision.

**ALTERNATIVES**

New Mexico currently has provisions for assault or battery on a sports official. The SC suggests including sports coaches in the existing law covering sports officials.

DW/svb