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HOUSE BILL 843

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO CRIMINAL OFFENSES; CREATING THE CRIMES OF ASSAULT
AND BATTERY UPON A SPORTS COACH; ESTABLISHING PENALTIES.

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

Section 1. A new section of Chapter 30, Article 3 NMSA
1978 is enacted to read:

"~~[NEW MATERIAL]~~ ASSAULT--BATTERY--SPORTS COACHES.--"

A. As used in this section:

(1) "in the lawful discharge of the sports
coach's duties" means engaged in the performance of the duties
of a sports coach; and

(2) "sports coach" means a person who serves
as a coach, assistant coach, instructor, manager or trainer, or
who serves in a similar capacity, while working with,
supervising or administering to a sports team or individual

1 athlete in a formally organized sports association.

2 B. Assault upon a sports coach consists of:

3 (1) an attempt to commit a battery upon the
4 person of a sports coach while the sports coach is in the
5 lawful discharge of the sports coach's duties; or

6 (2) any unlawful act, threat or menacing
7 conduct that causes a sports coach while the sports coach is in
8 the lawful discharge of the sports coach's duties to reasonably
9 believe that the sports coach is in danger of receiving an
10 immediate battery.

11 C. Whoever commits assault upon a sports coach is
12 guilty of a misdemeanor.

13 D. Aggravated assault upon a sports coach consists
14 of unlawfully assaulting or striking at a sports coach with a
15 deadly weapon while the sports coach is in the lawful discharge
16 of the sports coach's duties.

17 E. Whoever commits aggravated assault upon a sports
18 coach is guilty of a third degree felony.

19 F. Battery upon a sports coach is the unlawful,
20 intentional touching or application of force to the person of a
21 sports coach while the sports coach is in the lawful discharge
22 of the sports coach's duties, when done in a rude, insolent or
23 angry manner.

24 G. Whoever commits battery upon a sports coach is
25 guilty of a misdemeanor.

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underscoring material = new
~~[bracketed material] = delete~~

1 H. Aggravated battery upon a sports coach consists
2 of the unlawful touching or application of force to the person
3 of a sports coach with intent to injure the sports coach while
4 the sports coach is in the lawful discharge of the sports
5 coach's duties.

6 I. Whoever commits aggravated battery upon a sports
7 coach, inflicting an injury to the sports coach that is not
8 likely to cause death or great bodily harm, but does cause
9 painful temporary disfigurement or temporary loss or impairment
10 of the functions of any member or organ of the body, is guilty
11 of a fourth degree felony.

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