

SB 1034 Sponsor - Favorable

Chairman Smith (MoCo), Vice chairman Waldstreicher (Moco), and distinguished members of the Judicial Proceedings Committee, good afternoon. I am grateful for the opportunity to introduce SB-1034:

[Ladies and] gentlemen of the committee, sports officials all over this nation are under attack – physically, verbally, and psychologically. The type of vitriolic and invective variance that only belongs in drunken taverns and fight clubs. I'm not being hyperbolic when I say to you that the profession is in a state of emergency. SB-1034 is explicitly designed to not only lend the necessary and critical protections to those who preside over sporting events in our State, but it also serves to put any interested spectator, parent, coach or nomadic observer on notice that this behavior is intolerable, nor fitting of the preeminent and storied athletic scholarship that our State enjoys. More Division I NCAA athletes are recruited out of Maryland than any other state in our Union for basketball; it is top 7 for baseball, top 4 for football, and number 1 for soccer (APPENDIX A). In a state that is talent rich, pressures to succeed and contracts to fulfill, generates behavior and action that is abhorrent, which is often taken out on sports officials.

SB-1034 simply attaches officials, umpires, referees, or judges who are officiating a sporting event and its immediate conclusion, to the criminal law article 3-203 that addresses

2nd degree assault generally, subsection (c) for the purposes of identifying it in in Criminal Procedure 2-203 - 2-205 under the warrantless arrest provision. Unfortunately, this is a necessity born out of a legal realism. A theory for those of us who ascribed to the Sociological School of Jurisprudence (law as a tool for promoting justice in society). Senators, as you consider the needfulness of this bill, I offer you this for your deliberation. I want to draw your attention to CR article 3-708. It is the provision of law that makes threatening or assaulting a state or local elected official a crime (3 yrs 2500); also the aforementioned 3-203, the article that makes it a specific intent crime to assault a police officer, EMT/firefighter, or probation/parole officer in the performance of their duties.

Do these laws proposition that you or they are any better or perhaps more important than those who are not performing those duties? Of course not. What it does is recognize that because of the mere nature of their and your jobs, and because you will inherently be opposed, sometimes violently and impassionedly, simply because they disagree with your decisions, additional remedies in the law were necessary. Ladies and gentlemen I submit to you that Sports' officials all over this country experience this exact same fury.

Affording officers the ability to make an immediate arrest for an incident occurring out of his/her presence, provided that there is sufficient probable cause to do so,

remedies a unique problem that officials face, in which 3-203 alone cannot address. Earlier in my testimony I stated that Maryland area is unique for its recruiting of Division I athletes. Because of this honored distinction, sporting events in our State draw an extraordinary number of travelling teams and their fans from out of state. In these cases in the aftermath of an assault, once the suspect is gone, they've likely committed assault with impunity.

In many cases, the suspect cannot be identified because officials do not have the power to seize someone's person. Or, if an officer observes the perpetrator blocks away after the assault, he or she cannot make an arrest, so the perpetrator is free to attend another game and assault another referee. Having included the second-degree assault of a sporting official to CP 2-203 is a reasonable and judicious solution to the problem.

Ladies and gentlemen of the committee, if referees were not in fear for their lives and general safety every day, they nor I wouldn't be here. It is because collectively we all are, we look to our elected officials to help provide resolution. Threatening, intimidating, and assaulting a referee is NOT "a part of the game"; nor is it heckling, nor is it customary. It's fleeting sportsmanship and it is a crime.

For these reasons, I urge a favorable vote for SB-1034.

Thank you,

Appendix A

https://ncaaorg.s3.amazonaws.com/research/pro_beyond/2020RES_HSParticipationMapByState.pdf

Retort to why make this change—

Why do we have laws at all?? If you're a student of the science of criminology, it teaches us that the establishment of laws, whether they'd be the Hammurabi or Mosaic codes, to Ancient Roman law, they all serve as a measure and means of social control; they act as a deterrent, and provide the aggrieved with a clear course of redress.

We're not reinventing the wheel here; we're simply empowering officers to take immediate action.

Classical Criminologist Cesare Beccaria (Che'sar-e' Bec-kar-Ria) theorized that if laws were to be effective, counteractive measures must be swift, certain, and proportionate; but they must be swift.