

SB842 Assault of a sports official.pdf

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 27, 2024

SB 842 – Assault Against a Sports Official Act of 2024

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

According to the National Association of Sports Officials (NASO), close to 90% of sports officials report being harassed while before, during, or after a sporting event. Over 50% of officials have said that harassment made them feel unsafe while officiating, and 13% of sports officials have been physically assaulted by a fan, coach, or player.¹

Senate Bill 842 would specify that the crime of misdemeanor second-degree assault includes assault against a sports official. The misdemeanor would impose a fine up to \$2,500 and/or imprisonment not exceeding 10 years.

While it is already illegal for an individual to commit assault on another, sports officials are not currently included in the Criminal Law 3-203 article which authorizes police officers to make a warrantless arrest with probable cause under Criminal Law 2-203. SB 842 specifies that assault against a sports official can lead to an immediate arrest with proper probable cause.

Team sports at every level cannot exist without officials. Maryland should join 18 other states including Pennsylvania, West Virginia, and California in specifying that sports officials are included in second-degree assault.²

I respectfully ask for a favorable report on SB 842.

¹ Your Voice is Needed to Advance Legislation in Maryland

<https://www.naso.org/your-voice-is-needed-to-advance-legislation-in-maryland/>

² Laws on Assault of a Sports Official

<https://www.cga.ct.gov/2013/rpt/2013-R>

[0446.htm#:~:text=We%20found%2018%20states%20with,%2C%20Texas%2C%20and%20West%20Virgini](https://www.cga.ct.gov/2013/rpt/2013-R0446.htm#:~:text=We%20found%2018%20states%20with,%2C%20Texas%2C%20and%20West%20Virgini)
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Uploaded by: Mike Schlipp

Position: FAV

SB-1034 - Favorable

My name is Michael Schilpp and I am the President of Baltimore Best umpires. On October 6th, 2019, one of my umpires, Mr. David Collier was physically assaulted by a parent/and a player during a baseball game. To date, this assault has not been prosecuted.

Baltimore City police were contacted and responded to scene of the assault. The parent/player fled before they could arrive. Detective Simpson from the Baltimore City Police Department confirmed this statement by the officer that under the "simple assault code", unless the Officer witnessed the assault – and without the name(s) there was nothing more he could do even though there was a video taken from the incident. If we could get the names of the assailants they would enforce the law.

These types of incidents are happening way too often to sports officials everywhere not just only in Maryland.

Maryland is 1 of 29 states that does not have a law that protects sports officials. I stand here today asking you to please pass this law that protects all of us. I have had the opportunity to meet with several Senators and they know my passion for this issue. Someone is going to get seriously hurt – more than they already have. We as sports officials do this for the love of the game, not to make someone win or lose. We are human and sometimes make mistakes. I ask, should that be a reason for us to be harassed/threatened / or assaulted? The answer is NO!

Since May of 2019, I have been made personally aware of 5 incidents where an official has been threatened or assaulted in the State of Maryland. All have been from various geographic areas in the State.

Baltimore City
Baltimore County
Frederick County
Worcester County
Montgomery County

These types of incidents make recruiting and hiring of new officials almost impossible.

The National Association of Sports Officials report that new sports officials in their first 1 to 3 years are quitting at an alarming rate of 70%. You ask why? Because they are being harassed (followed to their vehicles)/threatened/ and even physically assaulted. For the more experienced umpires, this is forcing us to start fighting back or continue and take the abuse. BY fighting back, we expose ourselves to getting charged with assault which does not seem fair. It has been suggested that sports officials carry pepper spray – I can say that this seems like a very bad idea. I see this as a potentially bigger problem than fighting back. Another solution would be all sports officials start quitting and let these parents start officiating games – we all know that will end in more serious violent issues.

The need to stop this persecution of sports officials in the State Of Maryland is right now! We must get protection against these individuals that believe it is ok to follow us to our vehicles after the game, threaten to be waiting for us in the parking lots after they are removed from games because of "their conduct" or the ones that just physically assault us.

Wisconsin and Ohio have now also taken up the task to change their laws to protect their sports officials. They are monitoring how the State of Maryland proceeds to get the law passed that will protect sports officials. I am currently working with NASO to keep them informed.

In closing, we all need to feel safe and know we have some recourse (protection) should an incident occur. Today in the State of Maryland - that does not exist.

By not passing this law, we will be allowing all coaches/parents/ and players the ability to continue to harass/threaten and assault sports officials in Maryland. The time to end these assaults on sports officials in Maryland is right NOW!

Favorable

Written Testimony in Support of S.842_Molesky.pdf

Uploaded by: Monroe Molesky

Position: FAV

February 27, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Maryland Senate

The Honorable Jeff Waldstreicher
Vice-Chair, Judicial Proceedings Committee
Maryland Senate

RE: Senate Bill 842 – Criminal Law – Second Degree Assault – Sports Official Position – Favorable; Hearing Date: 2/27/2024 – Judicial Proceedings Committee

Greetings Chairman Smith, Vice Chairman Waldstreicher, and members of the Judicial Proceedings Committee:

I write to the Committee today to express my *strong support* for Senate Bill 842 that is the subject of the hearing on February 27, 2024, and under consideration by this body. I appreciate the opportunity to provide written testimony on this proposed legislation and the important issue that it addresses.

To further understanding of the context and need for this legislation, I want to share with the Committee my personal experiences as a referee and my professional perspective as a public health practitioner and public policy researcher.

Life as a Sports Official

Firstly, in considering this bill, I implore you to listen to and read about the lived experiences of sports officials from across Maryland to understand the context of this issue.

For many, being a sports official is a critical element of their life and there is no one pathway to becoming an official. Some people become officials as a way to connect with their children or family that love the sport, others wish to earn a little extra money, but, mainly, sports officials are motivated by the wish to rekindle their love for the game and provide a service to the community.

For me, it was the love of the game and sense of community engagement that motivated me to become a soccer referee. By the time I reached high school, I could appreciate the important role that the officials played in ensuring that we were able to compete in a safe and fair manner. Subsequently, I decided to deviate from the player perspective to see the other side of the game. I took a day long soccer referee class that was held at my local university and started my career as a licensed soccer referee/official.

In the time since, I have been a licensed soccer official for nine years at all levels of amateur competition—from U9 recreational games on Saturday mornings to semi-professional matches and high school playoff finals. At this point, I officiated approximately 1,500-2,000 games.

Those nine years and hundreds of games are marked by dozens of amazing memories. Numerous sunny mornings where I got to see the unbridled fun of young soccer enthusiasts out on the field. Numerous opportunities to learn from experienced referees and then transfer that knowledge to

the young officials I had the opportunity to mentor. Those pleasant memories are what drive sports officials to wake up early on the weekend to officiate games; endure extreme heat, cold, and rain; and, generally, continue to be a sports official within our communities.

But those pleasant memories are marred with instances of abuse, threats, and physical violence. In my referee career, I have had coaches and athletic directors berate me until the point in which they have to be physically removed from the facility. Players and parents break out into physical fights that required the entire abandonment of a soccer match half-way through. Additionally, times in which spectators have threatened to stab me after a match and situations where the referee crew had to be escorted by police after the conclusion of a game to ensure our safety on the return home.

That is the life of a referee—days of pure joy engaging with your community mixed with times of pure fear for your safety and well-being.

For younger referees, especially, these situations are impactful. From an outside perspective, sports officiating is an ideal activity for young people. Young people are frequently still playing the sport or have less time removed from actively participating in the sport. It is an opportunity to have a first job, and creates occasion for responsibility, learning about communication, and working with others. Despite these somewhat ideal conditions, there is a shortage of younger sports officials in the United States as the average official is 57.1 years old.¹

A central factor to this lacking pipeline of younger officials is abuse—that is what I saw as a young referee. I experienced that coaches, parents, and team administrators often felt that it was easier to manipulate younger officials and that they were less likely to stand against abuse. Instead of being supportive, these hostile environments for younger sports drive younger individuals away. With the opportunistic approach to younger officials and the decrease in sportsmanship across the board, the situation of referee abuse has become untenable for younger officials.

Luckily, I was one of the young officials that could handle the abuse and apply good judgement when situations became unsafe, but those experiences hardened me as official. Looking back at my current referee career and considering the current state of referee abuse, I cannot see a future where I encourage young people to become sports officials. The potential risk is one's personal safety and well-being, especially for our children and young people, is too great—despite the great many benefits involved.

In the context of this legislation, I advocate strongly due to these lived, first-hand experiences. It is one thing to understand the objective impacts of abuse on sports officials, but another to see it every weekend. For what purpose it serves, I encourage the Committee to appreciate these real stories from the front lines and the experiences shared by my fellow Maryland officials.

Public Health and Safety at Community Sporting Events

¹ <https://www.naso.org/survey/portfolio/data-highlights-2023/>

Beyond my experience as a referee that illustrates the pervasive nature of referee abuse in Maryland and throughout the United States, I wanted to speak to Senate Bill 842 from my experiences as a public health practitioner and published academic.

Referee abuse is not simply about the stress and uncomfortable environment created by criticisms from event spectators, coaches, and other team officials, but it is critical to appreciate the potential for those situations of verbal commentary to escalate into situations of dire threats to physical safety. From an outsider's perspective, these situations of assaulting sports officials seem extremely remote. However, the occurrences of referee assault do occur.

For example, in 2023 alone, a Massachusetts referee was punched by player during a high school basketball game², a Michigan soccer referee was knocked down by a high school soccer player³, a Florida baseball umpire was punched in the head by a parent⁴, and an Alabama umpire was tackled by a coach in an 11U baseball game.⁵ These incidents are a selection of incidents across geographic regions and sports within the United States that were reported to authorities and described by local news sources.

However, more severe cases of violence against sports officials have occurred. In 2014, a Michigan referee who was officiating an amateur adult soccer match was punched in the head by a disgruntled player as the player was being ejected from the match.⁶ The referee, a father two, died two days later as a result of the attack and a memorial scholarship in his name now supports youth soccer referees going to college.⁷ Other tragic deaths have occurred as the result of attacks against officials in the United States. In a similar incident in 2013, a Utah soccer referee died after being punched in the head once by a youth soccer player.⁸ Additionally, in 2019, a disagreement in a soccer match resulted in two men attacking individuals with a machete that, thankfully, caused only minor injuries to three people.⁹ These worst case scenarios, while rare, demonstrate the potential life-changing risks that referees face upon the fields of play.

In addition to these instances realized acts of violence against sports officials, there are many situations where there are “near-misses”—situations where physical violence was threatened against a sport official or violence was unreported. From a referee perspective, recent research indicates that 50.9% of sport officials reported feeling unsafe or fearing for their safety because of the behavior of an administrator, coach, player, or spectator in 2023.¹⁰ Plainly, a review of the available evidence demonstrates that assaults on sports officials do occur resulting in physical injuries for some and fear among others.

² <https://www.wcvb.com/article/massachusetts-referee-punched-by-student-athlete/42360917>

³ <https://wwmt.com/news/local/bangor-bloomingdale-soccer-game-referee-michigan-high-school-athletic-association-investigation-high-school>

⁴ <https://www.local10.com/news/local/2023/05/04/video-captures-parent-sucker-punching-umpire-at-florida-baseball-game-deputies-say/>

⁵ <https://brobible.com/sports/article/youth-baseball-coach-tackles-umpire/>

⁶ <https://www.freep.com/story/news/local/michigan/wayne/2015/03/13/soccer-referee-sentencing/70258968/>

⁷ <https://www.michiganrefs.org/john-bieniewicz-memorial-scholarship/>

⁸ <https://www.nbcsports.com/soccer/news/utah-soccer-referee-dies-after-teen-punches-him-in-the-face>

⁹ <https://www.woodtv.com/news/southwest-michigan/machete-wielding-suspect-injures-3-after-dispute-over-soccer-game-in-bangor/2012269180/>

¹⁰ <https://www.naso.org/survey/portfolio/data-highlights-2023/>

From an overall public health perspective, these instances of referee abuse, in any form, are detrimental to these positive public health benefits of sports. Generally, sporting events provide a health benefit to all those involved. For the players and officials, it is an opportunity to be outdoors and engage in vigorous exercise. For spectators, coaches, and other participants, there are mental health benefits by providing an opportunity for community building and social engagement with one another, especially as the U.S. Surgeon General has declared an epidemic of loneliness and isolation.¹¹ But instances of assault against sports officials instead drive officials and others away, and there is never any benefit to the public's health from violence within the community.

Simply put, the protection of sports officials from assault is a matter of public health and safety for entire communities. While criminal statutes are punitive not preventative by nature, there is always the potential opportunity for a deterrent effect in individual cases. If there is one instance of assault on a sports official that is deterred from the presence of the proposed statute, the effort for this legislation will have been well worth it. One punch prevented can be one life saved, as demonstrated by the horrific referee assaults that occurred in Michigan and Utah.

Legal and Policy Parity

In addition to the personal experiences of sports officials and public health and safety considerations, I support the adoption of Senate Bill 842 as it puts the State of Maryland in better legal parity with other states regarding this issue. The concept of having specialized assault statutes that address violence committed against sports officials is not a new concept. At least 22 other states have passed legislation that address assault or harassment of sports officials.¹² Research indicates that at least ten states have had sports specific assault statutes going back to at least 1998.¹³

The proposed bill provides parity in terms of joining other states in clearly communicating, from a legislative perspective, that assaulting sports officials is not acceptable. Additionally, by including the sports official position within Section 3-203(c), the Maryland Assembly communicates that sports officials provide a unique community service as do the law enforcement officers, emergency personnel, and parole agents specifically listed in the section.

Additionally, from a public health perspective, we always balance the risks of the proposed options in public health interventions. The addition of this language to the statute has little risk by being on the books as each situation of its application will be considered by relevant law enforcement and prosecuting authorities. However, it benefits the public by plainly

¹¹ <https://www.hhs.gov/about/news/2023/05/03/new-surgeon-general-advisory-raises-alarm-about-devastating-impact-epidemic-loneliness-isolation-united-states.html>

¹² <https://www.naso.org/resources/legislation/state-legislation/#:~:text=Whoever%20commits%20aggravated%20assault%20upon,to%20kill%20the%20sports%20official.>

¹³ Chiafullo, C.M. (1998). From personal foul to personal attack: How sports officials are the target of physical abuse from players, coaches, and fans alike. *Seton Hall Journal of Sports Law*, 8, 201-227.

communicating that sports officials are covered under the Maryland second degree criminal assault statute and that there is recourse under the law.

Conclusion

In times where we must constantly consider new risks throughout our daily lives, we should be able to ensure that sports in our communities are one of the last bastions of unadulterated, safe public engagement. This legislation, while not wholly preventative, communicates this expectation to the public and provides assurance to sports officials and the broader community that there are mechanisms for individuals that assault sports officials to be held accountable.

Consequently, I implore you to consider the important role that this legislation will play in protecting the sanctity and safety of sports across Maryland and encourage you to support the adoption of Senate Bill 842.

Thank you again to Chairman Smith, Vice Chairman Waldstreicher, and the members of the Judicial Proceeding Committee for the opportunity to provide written testimony on this important issue.

Sincerely,

Monroe J. Molesky

Monroe J. Molesky, MPH
USSF/MPSSAA Licensed Soccer Referee
Public Health Practitioner and Researcher

Testimony in support of SB0842.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0842_RichardKaplowitz_FAV

2/27/2022

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0842 - POSITION: FAVORABLE
Criminal Law - Second Degree Assault - Sports Official

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of/ SB#/0842, Criminal Law - Second Degree Assault – Sports

During my thirty-one years as a soccer official, I was assaulted three different times. The National Association of Sports Officials has documented state legislative efforts to deal with the increasing problem of sport officials being assaulted. ¹

In the journal *Global Sport Matters* article *Roughing Up the Refs...* Barry, Mano, founder and president of the National Association of Sports Officials (NASO) notes “It’s harder to do this under this constant scrutiny...NASO estimates that 30 percent of officials have not returned during the pandemic - and of those, between 20 and 25 percent are expected to never come back.” ²

I have been pushed, spit upon, had gear stolen, and deliberately tripped during my career, refereeing soccer matches at both youth and adult levels. The increase in incivility in our politics has spread to the fields on which games are being played. This bill makes the moral statement that improper conduct towards those who make playing our games safe and fun and equal for all is criminal when violence is applied towards officials. It adds a measure of protection for persons willing to step forward to help make games possible. The loss of an official who quits due to abuse or fear of physical abuse harms everyone who needs their services to conduct a game.

I urge Maryland to join the trend of states recognizing and dealing effectively with this problem.

I respectfully urge this committee to return a favorable report on SB0842.

¹ <https://www.naso.org/resources/legislation/sports-officials-legislative-scorecard/>

² <https://globalsportmatters.com/business/2022/04/15/abusive-behavior-driving-youthsports-officials-away/>