

HOUSE BILL REPORT

HB 1200

As Reported By House Committee On:

Law & Justice

Title: An act relating to sports officials.

Brief Description: Protecting sports officials from civil actions and assaults.

Sponsors: Representatives Basich, Kremen, Ballasiotes, Quall, Van Luven and Carlson.

Brief History:

Committee Activity:

Law & Justice: 2/22/95, 2/28/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Cody; Morris; Sheahan; Thibaudeau and Veloria.

Minority Report: Do not pass. Signed by 7 members: Representatives Appelwick, Ranking Minority Member; Campbell; Chappell; Lambert; McMahan; Robertson and Smith.

Staff: Bill Perry (786-7123).

Background: Under ordinary rules of tort law, a person may be responsible for harm done by his or her failure to exercise care with respect to a duty owed to another person. The nature of such a failure to exercise care may take any one of several forms. A person may act with a state of mind that amounts to negligence, gross negligence, recklessness, knowledge, intent, or malice. The imposition of liability for an act or omission may depend on the person's state of mind. The standard of "negligence" means that a person acts without the ordinary care that a reasonable person would have exercised. The standard of "gross negligence" means that a person acts without even slight care. Failure to exercise slight care does not mean the total absence of care, but has been said to mean care "substantially or appreciably less than the quantum of care inhering in ordinary negligence."

An assault has been defined as any intentional offensive touching or striking of another, regardless of whether or not any actual physical harm is done to the victim. The criminal code divides the crime of assault into four degrees, and into some specific separate crimes. The various crimes are distinguished by the state of mind of the offender, the extent of injury done to the victim, whether or not a weapon was used, and who the victim was. Fourth-degree assault is a gross misdemeanor. All other criminal assaults are felonies. Any assault that does not fall within the definition of one of the other degrees or definitions of the crime is fourth-degree assault.

The Legislature has provided that with respect to certain victims, an assault that would otherwise be a gross misdemeanor will be a felony. A fourth-degree assault becomes a class C felony if committed against:

- o A public or private transit vehicle driver;
- o A public or private school bus driver;
- o A fire fighter;
- o A law enforcement officer;
- o Personnel or volunteers at a juvenile corrections facility;
- o Personnel or volunteers at an adult corrections facility; and
- o Personnel or volunteers involved in community corrections.

An otherwise misdemeanor assault against one of these victims becomes a felony only if the victim is engaged in his or her job related duties at the time of the assault.

Summary of Substitute Bill: A gross misdemeanor assault becomes a class C felony if committed against a sports official while he or she is officiating an event, or after the event if committed within or near the facility where the event took place.

Substitute Bill Compared to Original Bill: The original bill insulates sports officials from liability for their acts of negligence in connection with their duties. The original bill contains an emergency clause and takes effect immediately.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will help prevent violence in athletics. There is a growing shortage of officials because people are reluctant to expose themselves to abuse.

Testimony Against: None.

Testified: Representative Basich, prime sponsor (pro); Mike Colbrese, Executive Director, Washington Interscholastic Activities Association (pro); Ken Jones, President, Washington Officials Association (pro); and Dennis Dawes, Deputy Police Chief, Chehalis Police Department, and Washington State School Directors Association (pro).