



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/25/2020

Time: 10:01 AM

Location: 016

Committee: Senate Judiciary

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2612 RELATING TO SPORTS OFFICIALS.

Purpose of Bill: Establishes the offenses of assault against a sports official in the first, second, and third degrees and the offense of terroristic threatening against a sports official.

Department's Position:

The Department of Education (Department) fully supports SB 2612. The Department recognizes and appreciates the sports officials who are dedicated to providing student-athletes with a fulfilling high school athletic experience.

There is a nationwide crisis concerning a shortage of high school officials. Hawaii is not immune to this crisis. Although there are several factors responsible for this shortage, unruly spectators and fans are major factors for the shortage, especially when there are threats made to cause bodily harm and assaults on officials. This bill will afford protection within the justice system for threats and bodily harm to officials when spectators and fans are uncontrollable.

The Department is committed to providing student-athletes with a positive and safe high school athletic experience. Without officials for the contests, these opportunities would not be possible. We hope that this legislation will deter negative behavior from spectators and fans to allow for the best athletic experiences for our student-athletes.

Thank you for the opportunity to provide testimony on SB 2612.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 2612, RELATING TO SPORTS OFFICIALS.

LATE

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 25, 2020 **TIME:** 10:01 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (the Department) offers the following comments on this bill.

The purpose of this bill is to establish the offenses of assault against a sports official in the first, second, and third degrees and the offense of terroristic threatening against a sports official.

On page 2 of the bill, at lines 1-7, the proposed offense of assault against a sports official in the first degree is the same as the existing offense of assault in the first degree established by section 707-710, Hawaii Revised Statutes (HRS), except the proposed offense requires the additional element of injury to a sports official. Both offenses are B felonies, so there would be no reason to charge this new offense.

While the bill proposes the offenses of assault against a sports official in the first and third degrees, it does not propose a second degree offense.

On page 2, lines 11-13, the proposed third degree offense of assault against a sports official overlaps substantially with the proposed amendment to assault in the second degree offense on page 7, lines 15-17. The proposed third degree offense is a misdemeanor, while the second degree offense is a class C felony.

On page 2, lines 14-16, the proposed third degree offense of assault against a sports official is the same as the existing offense of assault in the third degree

established by section 707-712, HRS, except it requires the additional element of injury to a sports official. This proposed offense would not be charged.

Starting on page 2, at line 18, the proposed wording for the offense of terroristic threatening against a sports official is inconsistent with the existing penal code provisions covering terroristic threatening. This proposed offense may be added to the existing provisions of terroristic threatening in the first degree, in section 707-716, Hawaii Revised Statutes. Just as public servants and emergency medical service providers are already covered, sports officials could be added to the section.

The Department appreciates the opportunity to share its concerns.

LATE

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary

February 25, 2020

S.B. No. 2612: RELATING TO SPORTS OFFICIALS.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 2612. The description of this bill states that it “establishes the offenses of assault against a sports official in the first, second and third degrees and the offense of terroristic threatening against a sports official”

This description is incorrect. The offenses of First Degree Assault – as proposed in this bill – already exists and covers sports officials. This bill proposes:

Assault against a sports official in the first degree

- (1) A person commits the offense of assault against a sports official **if the person intentionally or knowingly causes serious bodily injury** to a sports official engaged in the lawful discharge of the sports official’s duties.
- (2) Assault against a sports official in the first degree is a class B felony.

(page 2, lines. 1-7)

Hawaii Revised Statutes (HRS) Section 707-711 **currently provides:**

Assault in the first degree.

- (1) A person commits the offense of assault in the first degree **if the person intentionally or knowingly causes serious bodily injury** to another person.
- (2) Assault in the first degree is a class B felony.

As this comparison shows, the proposed Assault 1 is not necessary because the conduct described is already Assault in the First Degree, a class B felony, if committed against any person, including sports officials as defined in the bill.

The next proposal in the bill for Assault in the Third Degree (page 2, lines 8-17) likewise mirrors our existing Assault in the Third Degree, HRS Section 707-712. Our current Assault Third statute already includes the conduct described in the proposed Assault Third, if committed against any person, including sports officials as defined in the bill.

Not only are these proposals unnecessary, they would make proving these offenses against a sports official harder because they add additional elements to the crimes, i.e. having to prove the

complainant was a sports official, as defined in the bill, who was engaged in “lawful discharge” of their duty. That is clearly not the intent of the proponents of the bill.

The bill proposes to amend our current Assault in the Second Degree statute, under HRS Section 707-711 to elevate what is currently Assault Third Degree conduct and make it Assault Second Degree if committed against a sports official engaged in the lawful discharge of their duties. In other words, the language proposed at page 7, lines 15-17, directly contradicts what is proposed at page 2, lines 8-17.

Finally, the bill proposes to elevate what would currently be the misdemeanor offense of Terroristic Threatening (TT) in the Second Degree under HRS Section 707-717 to the class C felony offense of Terroristic Threatening in the First Degree (pages 2-3, lines 18-6).

For purposes of discussing the proposed language in S.B. No. 2612, TT is essentially threatening by word or conduct to cause bodily injury (i.e. physical pain) to another person or to commit a felony “with the intent to terrorize, or in reckless disregard of the risk of terrorizing another person.”

TT in the First Degree, the class C felony, includes:

- (1) Threatening on more than one occasion for the same or a similar purpose;
- (2) Making threats in a common scheme against different persons;
- (3) Threatening public servants;
- (4) Threatening emergency medical services providers;
- (5) Threatening with a dangerous instrument or a simulated firearm; or
- (6) Threatening a person who has a restraining order or is with a police officer ordering the defendant to leave the premises

TT in the Second Degree, the misdemeanor, is committing terroristic threatening in any way other than as provided in TT in the First Degree.

It is important to be clear that bill this would not provide special protection for sports officials. It is special treatment. This special treatment has already been extended to “public servants,” including “educational workers,” as well as “emergency medical services providers.” As these categories have been added to the TT1 statute, there have been no correlating statistics to show that the conduct against these persons was reduced by elevating the offense from a misdemeanor to a felony. The Office of the Public Defender has consistently opposed the creation of special victim classes that elevate criminal liability, in part because it has never been demonstrated that elevating these categories resulted in a reduction of offenses against them.

The Office of the Public Defender does understand that protecting sports officials from threats is very important. We believe a far more effective way to do that would be to place a consequence on the player related to the person whose conduct is objectionable. If a player was immediately ejected or suspended from future play, this behavior would likely cease.

Thank you for the opportunity to comment on this bill.

SB-2612

Submitted on: 2/21/2020 9:03:42 PM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher T. Chun	Testifying for Hawaii High School Athletic Association	Support	No

Comments:

The Hawaii High School Athletic Association (HHSAA) is in favor of SB2612. HHSAA supports high school officials, who are a necessary component of student-athletes to compete in education-based athletics. There is a nationwide decrease in people willing to officiate contests due to unruly spectators and fans. Officials have increasingly faced threats and bodily injury performing their responsibilities. This is the number one reason why new officials choose not to return after their first season. In fact, I am writing this from the HHSAA state wrestling tournament, where an official was assaulted. After a wrestler was disqualified, he grabbed the official and verbally threatened him. The official was immediately led away, but the wrestler continued to pursue him. His family then came down from the stands, crossed a security barrier, and joined him on the mat ... but not to subdue the wrestler. Instead they all tried to get through security to confront the official. A security guard was assaulted trying to protect the official. This incident left the official as well as his counterparts visibly shaken. By trying to confront an official over a perceived bad call, this wrestler and his family put all our participating student-athletes and volunteers at risk. This type of behavior is not acceptable, and the HHSAA implores the legislature to support officials that give back so much to the community. Thank you for your consideration.

Christopher Chun, Executive Director

HAWAII SCHOLASTIC SOCCER FEDERATION

P.O. Box 102, Pearl City, HI 96782

Testimony by Danny Casey in support of SB2612

February 25, 2020

To: Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair

From: Danny Casey
Vice- President, Hawaii Scholastic Soccer Federation
(Dannyc808@gmail.com)

Dear Chair Rhoads, Vice-Chair Keohokalole and members of the committee,

My name is Danny Casey and I am testifying on behalf of the Hawaii Scholastic Soccer Federation to express our support for SB2612.

The Hawaii Scholastic Soccer Federation is comprised of the soccer referees who officiate all of the high school soccer games on Oahu. Several years ago, there were over 100 active high school soccer referees on Oahu. We just recently completed the 2019-20 high school soccer season with less than 70 referees. The number one reason referees decide to not return is referee abuse.

Again this year, our referees have been inappropriately approached in parking lots after games or were subject to inappropriate comments from the stands. We also had several situations where the only thing separating our referees from verbally abusive fans threatening physical harm was an 8-foot chained linked fence!

SB2612 is a step in the right direction to help reverse the troubling loss of high school soccer referees due to the inappropriate behavior of fans towards officials. Unless this trend of referees leaving the game changes there will not be enough referees and if there are no referees there are no games!

SB-2612

Submitted on: 2/24/2020 9:16:33 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Gomes	Testifying for Hawaii Scholastic Soccer Federation	Support	No

Comments:

Support passage of bill to protect soccer referees. Last month I refereed match between

two high school male teams at Pearl City High School. Immediately after the match referee

team was leaving field when a group of SUPPORTERS from one school starting yelling that they were going to hurt us physically. We had to enlist school officials to calm the supporters

and eventually they were escorted to the parking lot. The verbal comments they made towards

us consisted of "hurt you" "get you" . Terroristic threatening at its best.....

LATE

SB-2612

Submitted on: 2/24/2020 12:19:04 PM
Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Sumstine	Testifying for HHSAA	Support	Yes

Comments:

SB 2612 RELATING TO SPORTS OFFICIALS

Support

My name is Matthew Sumstine and I am a football official. I currently train and assign officials working over 200 youth games per year, train and assign the football officials for the Hawaii High School Athletic Association (HHSAA) state championships, and represent Hawaii as the state rule interpreter for the National Federation of High School Sports Associations (NFHS).

I served Hawaii's youth leagues and high schools as a field official from 1990 to 2005, worked for the National Collegiate Athletic Association (NCAA) Division 1 football from 2005 to 2017, and currently work as a professional replay official.

Officials provide a service for their love for the sport and desire to support the participants. Officials provide structure and ensure a safe environment as outlined by the game rules. It is common within the officiating community to refer to sports officials as the guardians of the games. In conducting this service, officials are placed in uniquely vulnerable positions.

Sports officials are so publicly and routinely criticized it has become an acceptable part of sports culture. As a result, sporting events have become increasingly hostile toward officials. Sports officials assume many roles including, field educators, administrators, police agents, safety officers, judges and mediators. Many of these types of duties are already included in SB2549. This trend can only be reduced with top-down prevention and the addition of game officials is a natural fit.

A survey conducted in 2017 by the National Association of Sports Officials (NASO) and completed by more than 17,000 officials found that 80 percent of officials quit after two years and that harassing behavior by adult spectators at sports events is the primary reason they quit.

The harassing behavior and fear of being assaulted has reduced the number of experienced officials and encumbered the recruiting efforts designed to sustain the needed replacements. The loss of officials has resulted having to spread game

schedules out over the course of the week. This puts a burden on officials as they are required more days resulting in added stress to their job and family obligations. Additionally, student athletes are taking more time off on weekdays in order to accommodate the defused weekend schedule. SB2044 is needed to reverse these trends and provide a tangible support structure. The declining number of qualified officials is now at a tipping point that without this support will likely result in the reduction or elimination of available sports. At least, twenty-one states have assault laws specifically designed to protect sports officials.

Please support this bill and provide sports officials the protection they deserve for their service to Hawaii's schools, youth programs and professional athletes.

SB-2612

Submitted on: 2/24/2020 8:31:01 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rodrigo Romo	Individual	Support	No

Comments:

For over a decade I coached AYSO soccer teams for my two kids. One of the most uncomfortable situations one as a coach can be is when parents try to interfere with the officials in the game. On a couple of occasions I had to stop parents from getting into the field to threat a ref.

If civility cannot stand on its own at the sporting events, and what is needed is a law to deter this behavior, I am in strong support of it

LATE

SB-2612

Submitted on: 2/24/2020 8:02:10 PM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Austin Maglinti	Testifying for Hawaii Wrestling Officials Association	Support	No

Comments:

LATE

SB-2612

Submitted on: 2/24/2020 10:17:57 PM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laine Skiendiel	Individual	Support	No

Comments:

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair
Committee on Judiciary

Laine Matsuo Skiendiel, individual, in support of SB2612

Tuesday, February 25, 2020

This Bill establishes the offenses of assault against a sports official in the first, second, and third degrees and the offense of terroristic threatening against a sports official.

I have been a soccer official since 1975, primarily in Hawaii but also overseas. Over the past 45 years, participation in soccer leagues has increased from two hundred or so adults to thousands of adults and youth. Observers, players, and coaches are generally quite passionate about the game. Over the years, I have witnessed an increase in the number and intensity of passionate responses from the aforementioned, especially at the high school level. Passionate, positive support provides encouragement to the players. Passionate, negative comments and gestures about the judgments made by officials can create a threatening environment.

Soccer officials who are duly certified by either the National Federation of High Schools, American Youth Soccer Organization (AYSO), or the U.S. Soccer Federation have undergone many hours of training on rules and proper mechanics. Certified officials keep current on rule changes. Observers of a game may disagree at times and should follow league protocol for submitting complaints. Nevertheless, there are occasions when observers do not comply with proper protocols and threaten officials with physical violence or terroristic threatening. Passage of this Bill might prompt observers to think before acting.

I support this Bill because it brings sports officials' work under the protection of the law. No one should be afraid to discharge their job properly. Thank you for the opportunity to testify.

Hawaii Wrestling Officials Association
Senate Bill 2612 Testimony
February 24th, 2020

LATE

To: The Honorable Karl Rhodes, Chair
The Honorable Jarret Keohokalole, Vice Chair
Members of the Senate Judiciary Committee

Date: February 25th, 2020

Time: 10:01 A.M

Place: Conference Room 016, State Capitol

From: Austin Maglinti, Representative
Hawaii Wrestling Officials Association

Re: Senate Bill 2612, Relating to Sports Officials

Aloha Mr. Rhodes and Mr. Keohokalole and members of the Judiciary Committee. I'd first like to start off by saying thank you to listening to the many of individuals who I represent today. I come before you in support of Senate Bill 2612, relating to Sport Officials and more specifically adding harsher penalties to those who assault and threat Sports Officials. I'm here as a representative of the Hawaii Wrestling Officials Association. As many of you have seen on the news, or social media about Friday's incidents at the 2020 HHSAA Texaco Wrestling State championships one of our officials was threatened and assaulted along with a security guard due to a "call" made during the match. Which resulted in offender attacking those individuals. There have been over 20 + Occasions that a wrestling official has been Assaulted as a few are listed below.

- 2/20/2020- Official assaulted. individual arrested.
- Two officials were attacked by a father and son.
- Official assaulted in his car after a big state tournament
- Official threatened after a call made on the mat at St. Louis Schools
- Official threatened by Grandparent
- Official property damage by unknown culprit
- Official has physical damage to eye from culprit and has been ruled in connection to assault by medical professionals
- Official verbally threatened by Coach

With this new law hopefully Coaches and spectators will think twice before verbally or physically attacking Sports officials.

Thank you for the opportunity to testify in support of Senate Bill 2621
Austin Maglinti, Representative
Hawaii Wrestling Officials Association

LATE

SB-2612

Submitted on: 2/25/2020 6:34:13 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Kam	Individual	Support	No

Comments:

Aloha! As a parent who volunteers to referee AYSO games at the U-14 level, I'm in full support of this bill and other measures to protect sports officials from unruly players and family members. I've witnessed first-hand how scary refereeing can be with adults berating officials from the sidelines and 12-13-year-old players taunting officials on the field. I have been in the receiving end of that numerous times. Passion for the game can turn ugly really quickly and I can only imagine how that intensifies at the high school level.

I've been refereeing AYSO games for the past 6 years and have seen interest by other parents in volunteering for this service declining each year. I can't blame them. AYSO is supposed to be all about sportsmanship, keeping the kids safe and encouraging to have fun. We volunteer to do what's best for our community and our children. Then get screamed at because of a missed call on a ball going out of bounds. You'd think we were officiating a U-14 World Cup game where everything was on the line.

This kind of behavior needs to stop. It's unfortunate that bills like this need to be introduced to help enforce the peace, but something needs to be done to correct this before others get hurt.

LATE

SB-2612

Submitted on: 2/25/2020 10:04:54 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Apo	Individual	Support	No

Comments:

LATE

SB-2612

Submitted on: 2/25/2020 10:19:26 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: