

STATE OF HAWAI‘I  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on  
Judiciary & Hawaiian Affairs**

February 24, 2023

H.B. No. 264: RELATING TO CRIMES AGAINST SPORTS OFFICIALS

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Office of the Public Defender offers comment on H.B. No. 264 which will make intentionally or knowingly causing bodily injury to a sports official while engaged in the lawful discharge of the sports official’s duties an Assault in the Second Degree, a Class C felony.

The Office of the Public Defender has consistently opposed the creation of special victim classes that elevate criminal liability. In the past, the legislature has elevated those individuals that, due to their employment, are in positions that have required more protection, and recently elevated those seeking protection from domestic violence. Currently, the ever-growing list includes correctional workers, educational workers, emergency medical services providers, workers at mental health facilities, firefighter fighters or water safety officers, workers at health care facilities, home health care workers, and hospital case management workers. These special classes were created to elevate what would otherwise be a misdemeanor to a class C felony. This bill does the same thing for sports officials who are assaulted while officiating a sporting event.

**Increasing the severity of punishment does little to deter crime**

The efficacy of including sports officials in Hawai‘i Revised Statutes (HRS) § 707-711 presumes that potential offenders are aware of these changes and understand the increase in punishment. The reality, however, is that increasing the severity of punishment is ineffective partly because “criminals” know little about the sanctions for specific crimes.

According to legislative analyst Ben Johnson in a January 2019 report, “[T]he state can raise the maximum penalty for an offense, but that does not necessarily change the expectations of someone who might be considering committing a crime. If a

person is weighing the benefits of committing a crime against the potential consequences of that act, it is the potential offender's actual belief about a likely sanction that matters.”<sup>1</sup>

### **Not all crimes involve a rational decision**

This bill further presumes that individuals considering committing a criminal act have an internal discourse whereby the individual weighs the various pro and cons – whether to follow through and commit the contemplated offense. The reality, however, is that many offenses are committed on a spur of the moment – a whim or sudden impulse.

In that same 2019 report, Mr. Johnson indicated, “[C]riminal acts may be driven by many factors. Many crimes take place when the offender is under the influence of drugs or alcohol. Others occur in the ‘heat of passion’ when a person experiences a strong emotion. It makes logical sense that a model assuming criminals engage in a rational cost-benefit analysis before committing a crime would not accurately predict conduct by people with an impaired ability to think rationally.”<sup>2</sup>

Even if the individual possesses the correct and accurate information regarding the severity of offense, often times, in the heat of the moment, criminal offenses are committed without deliberation or insight. The reality is that H.B. No. 264 may have little to no effect on deterring assaults on sports officials.

Thank you for the opportunity to testify on this measure.

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<sup>1</sup> Ben Johnson, Do Criminal Laws Deter Crime? Deterrence Theory in Criminal Justice Policy: A Primer, MN House Research, p. 5, January 2019, available at <https://www.house.mn.gov/hrd/pubs/deterrence.pdf>.

<sup>2</sup> Id.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/24/2023

**Time:** 02:00 PM

**Location:** 325 VIA VIDEOCONFERENCE

**Committee:** House Judiciary & Hawaiian  
Affairs

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** HB 0264 RELATING TO CRIMES AGAINST SPORTS  
OFFICIALS.

**Purpose of Bill:** Makes intentionally or knowingly causing bodily injury to a sports official a class C felony. Authorizes a court to enjoin the offender from attending any sports event of the type at which the sports official was engaged in the lawful discharge of the sports official's duties.

**Department's Position:**

The Department of Education (Department) fully supports HB 264. 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 a major factor 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.

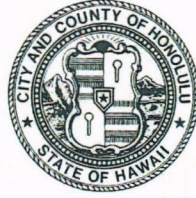
The Department is committed to affording student-athletes with a positive and safe high school athletic experience and without officials for the contests, the opportunities would not be possible. We hope that this legislation will deter negative behavior from spectators and fans to allow for our student-athletes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

Thank you for the opportunity to provide testimony on this measure.

**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR



ARTHUR J. LOGAN  
CHIEF

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS

OUR REFERENCE PB-MS

February 24, 2023

The Honorable David A. Tarnas, Chair  
and Members  
Committee on Judiciary and  
Hawaiian Affairs  
House of Representatives  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 264, Relating to Crimes Against Sports Officials

I am Parker Bode, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

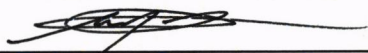
The HPD supports House Bill No. 264, Relating to Crimes Against Sports Officials.


Sports officials are an essential component of their respective sports. In addition, they are tasked with making split-second decisions in objectively judging contests. Consequently, they should perform their difficult duties without fear of injury. This bill serves as a deterrent and message that assaults against sports officials will not be tolerated.

The HPD urges you to support House Bill No. 264, Relating to Crimes Against Sports Officials. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
Parker Bode, Captain  
Criminal Investigation Division

**HB-264**

Submitted on: 2/22/2023 1:58:42 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gabriel Heres	Hawaii State Basketball Officials Association	Support	Written Testimony Only

Comments:

I believe the continued support of sports officiating in Hawaii is pivotal to your constituents and that the House adopt this bill. Not only to adopt this bill but also fund the posting of this bill as law at all athletic facilities who host athletic contests on all the islands after HB264 has passed. There should be zero tolerance for violence by any individuals towards officials. Without officials there would be no civilized way to have any competition in sports. Individuals who threaten or commit violence against sports officials should be held accountable to the highest form of punishment by law.

Officials are responsible for enforcing rules and work hard in acquiring the knowledge, skills, and abilities to judge sporting contests. They work hard to provide a much needed service to the community. I ask that the House consider the importance of sports officials safety because they are asked to do a difficult job that everyone is quick to scrutinize with verbal abuse and threats. In fact, some individuals will blame sports officials for the outcome of a game without knowing the rules. I've witnessed and have been a victim of irrational and aggressive individuals. Although violence on officials will probably never end, HB264 will be a start to reducing violence on sports officials and most important, increase the act of sportsmanship during competition. Lastly, please consider, if HB264 is passed that funding for educational materials to the public be presented at venues hosting sporting events.

February 22, 2023

Dear Sir or Madam,

I am writing in support of HB264 "Relating to crimes against sports officials." I have been a basketball official for 12 years, and I find it a rewarding way to connect with a sport I grew up playing and to provide teams with a fair and impartially officiated game. Each year, the shortage of officials in every county grows larger due to unruly and belligerent fan behavior. We have officials working in their fifth decade of experience because there is a lack of new, younger officials wanting to join the ranks. Fan behavior grows more aggressive and more violent every year and videos of fans creating a melee on the playing court while their children are playing the game circulate throughout social media. I strongly support the passage of this bill to discourage fans from maintaining this aggressive posture towards sports officials and furthermore to ensure that our children continue to have officials available to officiate their games. If the trend is not reversed, it may reach the point where games are canceled due to lack of officials. Please keep that from happening and let our children continue to enjoy competitive sports.

Regards,

*Akira Usami*

Akira Usami, basketball official

ausami@yahoo.com

February 22, 2023

To: Chairperson David A. Tarnas  
Vice Chairperson Gregg Takayama  
Members of the Judiciary & Hawaiian Affairs Committee

From: Ahryanna McGuirk

Subject: Support of House Bill 264, RELATING TO CRIMES AGAINST SPORTS OFFICIALS

Aloha! My name is Ahryanna McGuirk, I am currently a student at Kalāheo High School on O'ahu, and I am in support of House Bill 264. I play volleyball for my high school and identify as one of almost forty thousand of the high school student athletes in Hawai'i, according to recent statistics. At the sporting events I have attended over the years, I have been a firsthand witness to acts of abuse towards the sports officials who referee games from the elementary to collegiate levels. This abuse takes many forms, from verbal threatening to physical assault before, during, or after a game. A 2017 survey by the National Association of Sports officials reports that 87% of referees suffered verbal abuse in their role, and 13% said they had been subjected to physical assault. This totals to approximately one in seven officials claiming some sort of abuse.

Sadly, abuse is not only inflicted on older officials; youth involved in officiating sports events are also at risk of being verbally or physically assaulted. Over 70% percent of youth soccer referees for leagues affiliated with the U.S. Soccer Federation are under the age of nineteen. Some high school and college students officiate youth sports part-time, hoping to earn some extra money. However, this experience is often short-lived, with eighty percent of referees quitting within two years according to various studies. The verbal abuse and physical intimidation they experience in their role drives many young referees out of the game altogether.

In Hawai'i, our pool of youth sports officials is already rapidly declining because referees do not feel safe in their role. This is a major issue because without officials, there can be no sports. From the perspective of a high school student, it would be heartbreaking to see athletic games canceled, risking students' athletic scholarship opportunities and hindering community building on school campuses, due to the lack of referees. The implementation of HB264 will help to curb a rapidly declining pool of sports officials in Hawai'i. Not only this, but people who do attend the events would be in a much safer environment as there would be less risk of a violent outbreak. Twenty-one other states already have legislation specifically defining assaults on sports officials as crimes or other legislation that could protect sports officials. To protect the future of youth sports in Hawai'i, we must implement HB264 and protect our referees.

Mahalo for your consideration of HB264, and I sincerely hope you will take a vote for the safety of our sports officials and for the future of sports in Hawai'i through your support of this bill.





February 22, 2023

To: House Committee on Judiciary & Hawaiian Affairs  
Rep. David A. Tarnas, Chair  
Rep. Gregg Takayama, Vice Chair

From: Thomas Yoshida  
President, Hawaii State Basketball Officials Association  
([yoshidat001@gmail.com](mailto:yoshidat001@gmail.com))

Chair Tarnas, Vice-Chair Takayama and members of the committee,

As president of the Hawaii State Basketball Officials Association, I would like to express my support for HB264 – Relating to Crimes Against Sports Officials.

In the most recent survey of more than 47,000 sports officials in the United States conducted by the National Association of Sports Officials, 48 percent of male and 44 percent of female respondents felt unsafe or feared for their safety and tragically, one out of eight officials have been assaulted by either a fan, coach or a player.

While working a high school game in 2006, I personally witnessed one of our officials assaulted by a spectator. The assailant came off the stands, on to the floor and hit the official. That spectator was subsequently arrested but was not convicted of this crime. The assaulted official is no longer working any games and soon left the islands for the mainland.

While incidents such as this may appear minor, it has negative effects on recruitment of officials. In my 40 years of officiating, nearly 2/3 quit after two to three years. Among the reasons they quit are mostly due poor sportsmanship of spectators. What was once typical of fans cheering for their players, you now hear comments berating the officials.

The median age of a basketball official nationally is 56 years old and these officials are asked to work more games with memberships numbers dwindling at all levels.

I strongly urge and support my officiating and educational colleagues to support the passage of this bill.

**HB-264**

Submitted on: 2/22/2023 9:33:00 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jasmine Ramos	Individual	Support	Remotely Via Zoom

Comments:

**Aloha! My name is Jasmine Ramos and I am a student at Kalaheo High School. I am in support of HB264 and would like to ask you to be in support of this bill as well. The implementation of banning people from sports events after harming an individual should be in place already.**

**Most people will get mad at refs in games and callout slander for their “bad” calls. But these refs don’t deserve the backlash, harm, and disrespect for doing their job. Those who officiate games and contests experience immense pressure while becoming knowledgeable and proficient at their job. It takes time, money, and practice to become a good official. Most often, officials get their first jobs with youth and recreational leagues as they progress toward higher levels of competition. To be injured in a league that should predominantly be for learning and fun causes many people to quit. It is the responsibility of those managing sports to address this issue with more care and effective policies and procedures.**

**I understand that a law may not be able to take place for these officials but there are management practices that could be implemented. Some rules that could be implemented are: Early detection and ejection of unruly fans; Development of well publicized codes of conduct; Strict enforcement of codes of conduct; Better ways to address player frustration and anger through training and coaching; Increased presence and action of security personnel; Develop policies in support of state laws to better educate people on the consequences of their actions in intimidating and abusing officials. Many incidents have wound up with assault charges made against these citizens. The fact that they have continued is problematic, even though many states have passed laws addressing the problem and noting consequences to the perpetrator if such attacks are reported. There are state laws in many states, and, as noted in a 2002 report by the National Association of Sport Officials, 18 states had enacted laws against this abuse with many other states in the process of enacting legislation to prevent this problem. Regardless of state law, abuse of officials continues to occur, and this issue is a contributing factor to the declining numbers of qualified officials.**

**If HB264 is passed, I believe it will be helpful to Hawaii's citizens. This bill will hopefully allow for people to be less violent because they know that their actions will have consequences. Please vote to pass on this bill so that we can make Hawaii a safer place. Thank you for your time and consideration in my testimony!!**



**HB-264**

Submitted on: 2/22/2023 12:42:41 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carlos A. Santana	Individual	Support	Written Testimony Only

Comments:

I fully support this bill. As a basketball and softball official, I am constantly in a position where half of the participants and spectators will disagree with me. For the most part, it is brief. But sometimes, people can't move on and the anger builds to the point where they threaten or assault an official. We are there to ensure a fair game and we do the best we can. I have no personal stake in the game other than to be the best official I can be. We make mistakes. For those rare moments when someone has trouble getting over their disagreement, it is important for us to know that we are protected by the law.

I urge you to pass this bill this session.

**HB-264**

Submitted on: 2/22/2023 12:46:30 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Massey	Individual	Support	Written Testimony Only

Comments:

I have been a wrestling official for 22 years. Over that career I have been physically struck by a parent, followed to my vehicle and threatened. I have seen multiple incidents here in Hawaii. 2010 a fellow official struck by an athlete, Farrington highschool a two officials attacked by coaches. The most recent a family storming the mat at the state tournament.

There has been a decline in officials over the last few years and verbal and physical abuse has contributed to that. I am 100% in favor of stiff penalties so we can protect our officials.

Mark Massey

**HB-264**

Submitted on: 2/23/2023 9:56:50 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Akamine	Individual	Support	Written Testimony Only

Comments:

I support HB264. Supporting HB264 is supporting the future of organized sports events in Hawaii.

I officiate basketball as an avocation at the high school, middle school and recreation levels. Over the last few years, there have been fewer basketball officials. Many don't want to continue or start because of verbal harassment from fans, parents, coaches and players, and the potential of being physically attacked and harmed. It's my understanding that these same reasons impact officials and potential officials in other sports in Hawaii as well. If there are no officials, there won't be any organized sports contests in Hawaii.

HB264 is a step in the right direction. It places sports officials in the same category as educators, correctional workers, emergency and health service providers, and firefighters and water safety officers for legal protection purposes. The present law does not have enhanced punishment, and only gives a judge discretion to ban a perpetrator from attending sports events. It is a farce because that doesn't have any impact on perpetrators. Perpetrators don't care about being banned, but they may care about being sent to prison.

If HB264 does not become law and there isn't concurrent social stigma for bad behavior at sports events, there may not be any organized sports events in the near future because there won't be anyone to officiate.

Supporting HB264 is support for the future of organized sports in Hawaii. Please pass this bill. Thank you.

**HB-264**

Submitted on: 2/23/2023 11:28:47 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alton Mamiya	Individual	Support	Written Testimony Only

Comments:

Written Testimony of Alton Mamiya

Relating To Crimes Against Sport Officials

February 23, 2023

Thank you for allowing me to present written testimony for Bill HB 264. My name is Alton Mamiya and I am a basketball official for 30 years.

With the shortage of sports officials across the United States, the protection for sports officials should have stricter penalties for any persons assaulting a sporting official. If the penalties were to be stricter, more people would want to officiate sports.

A lot of these sport officials officiate to stay in shape, love the sport, and to give back to the student athletes. If ever an official gets assaulted and needs medical attention, that official may be out of work from their full time jobs. That may lead to loss of wages to pay bills. Sporting officials enforce NFHS playing rules while helping to ensure that the games are conducted in a safe manner and minimize the risk of injuries.

To increase penalties are also a deterrent to coaches, players, and fans. Officials are in a lose lose situation because someone is going to lose the game no matter the outcome. All sporting officials are human they have feelings, emotions, and have families that they want to go home to. Sporting officials get blamed for a lost or for an injured player and get called names.

Thank you for allowing me to write and submit this testimony. Please consider the steps on passing Bill HB 264 to protect sporting officials.

Respectfully,

Alton Mamiya

**HB-264**

Submitted on: 2/24/2023 7:49:24 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Ishikawa	Individual	Support	Written Testimony Only

Comments:

February 24, 2023

Chair David A. Tarnas, Vice Chair Gregg Takayama, and Committee Members,

Aloha, thank you for taking the time to read my testimony.

I have been a Basketball Official for over 25 years and urge all of you to fully support HB264 - RELATING TO CRIMES AGAINST SPORTS OFFICIALS.

From Youth to Seniors, Sports play such an important part of people's lives and have so many positive benefits for all involved. The number of Sports Officials continue to decline across the nation and Hawaii is no exception. One of the most significant reasons for this decline is an increase in aggressive behavior towards Officials.

An Officials' duties are inherently one that decides "winners" and "losers" leaving one group displeased with the outcome. In some respects, Sports Officials are similar to Law Enforcement Officials having to make decisions that displease some but unlike Law Enforcement, Sports Officials have no formal training against physical attacks. HB264 would align Sports Officials with other occupations that are afforded this added protection for similar reasons.

There are over 20 other States that have additional protection for Sports Officials and more are considering to do the same. HB264 would bring all Sports Officials peace of mind that we are appreciated and valued with the additional protection and give us optimism in addressing our declining numbers.

Please support HB264, our Sports Community needs it.

Thank you,

Mike Ishikawa

Basketball Official



**HB-264**

Submitted on: 2/24/2023 3:24:51 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support