



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

Date: 03/14/2023

Time: 09:30 AM

Location: CR 016 & Videoconference

Committee: Senate Judiciary

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.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 264, RELATING TO CRIMES AGAINST SPORTS OFFICIALS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 14, 2023

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Loren E. Haugen, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of the bill are to (1) make intentionally or knowingly causing bodily injury to a sports official a class C felony by amending the offense of Assault in the Second Degree, section 707-711(1), Hawaii Revised Statutes (HRS); and (2) amend the penalties for Assault Against a Sports Official, section 706.605.6, HRS, to authorize a court to enjoin the offender from attending any sports event of the type at which the sports official was engaged in when the sports official was assaulted.

Upon reviewing the existing wording of section 706.605.6, HRS, we noticed that subsection (1)(b) of the statute inadvertently makes references to paragraphs (a), (b), (d) and (n) without identifying subsection (1) of section 707-711. Accordingly, the Department recommends that section 706-605.6(1)(b) in section 1 of the bill, page 1, lines 6-7, be amended as follows:

- (b) Assault in the second degree, as provided by section 707-711(1)(a), (b), (d), or (n);

(original underscoring and striking though omitted for purposes of this suggestion)

Thank you for the opportunity to provide comments on the bill.

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**

March 14, 2023

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

Chair Rhoads, Vice Chair Gabbard, 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.”¹

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.”²

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.

¹ 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>.

² Id.

HB-264

Submitted on: 3/13/2023 11:31:35 PM

Testimony for JDC on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Please pass this bill to protect our officials. Many of them are volunteers and/or work for very little pay and the level of hostility that gets directed towards them can be extreme at times. As a wife of a baseball umpire, I have witnessed coaches, players, and members of the crowd act completely out of control towards game officials, often due to no direct action or inaction by the officials, but just because the individual was unhappy with the outcome of the game or play. We need to have strict regulations in place to keep everyone safe and ensure that people are willing to put themselves out there to keep sporting events civil and enjoyable for all.

Mahalo,

Shannon Matson

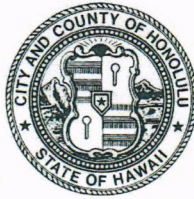
Hawai'i Island Resident

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

LATE

RICK BLANGIARDI
MAYOR



ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE PB-MS

March 14, 2023

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads 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