



Legislation Text

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Res. No. 896

Resolution calling upon the State Legislature to amend the Penal Law to mandate that any person, while trespassing on the playing area of a professional sporting event who assaults an umpire, referee, player, coach, manager, or other sports official, be charged with a felony.

By the Speaker (Council Member Miller) and Council Members Vallone, Comrie, Fidler, Gennaro, Katz, Liu, Nelson, Quinn, Recchia, Sanders and Weprin

Whereas, According to sports authorities, episodes of unruly fans disrupting professional sporting events is increasing, endangering sports figures; and

Whereas, The incident of Monica Seles, entrenched as the world's top player at the time, on April 30, 1993 having been stabbed in the back with a kitchen knife by Guenther Parche, and prevented from playing for another 28 months, preceded a dramatic escalation in the number of sports professionals attacked during professional sporting events; based on information provided by Sports Illustrated, assaults increased from an average of one every three years from 1974 to 1986, to one incident per year from 1993 to 2001; and

Whereas, On April 15, 2003, the Royals' umpire, Laz Diaz, was attacked and narrowly escaped serious injury in Chicago, by a 24-year-old fan who ran out of the stands and tried to tackle him; this incident was subsequent to three distinct instances of fans running onto the field during earlier innings; and

Whereas, Seven months prior to Diaz's attack, on September 19, 2002, the Royals' coach, Tom Gamboa, was attacked by a 35-year-old father and his 15-year-old son who ran out of the stands and pummeled the 55-year-old Gamboa, who has since suffered a hearing loss in his right ear; and

Whereas, In the cases of all the assailants, there is evidence to suggest that they most wanted to be seen on television, as indicated by a phone call Diaz's attacker placed to his sister to make sure that she would see him on television; and

Whereas, Sports professionals are regarded with a celebrity status and work in large venues averaging 10,000 and greater event goers, yet are subject to inadequate security and an enduring susceptibility to anyone who may want to get 10 seconds of fame; and

Whereas, As the aforementioned events are not isolated by geographic region, and in an effort to protect players and sports officials at professional sporting events in New York City, and to deter disorderly fans from causing injury and chaos, it is important that the State Legislature amend the current law regarding assault; and

Whereas, Under current state law, many assaults, if they do not rise above the high threshold level of "physical injury" as defined in state law, or do not involve the use of a weapon, may only result in a misdemeanor assault charge; and

Whereas, To remedy the situation where the level of injury does not adequately reflect the circumstances under which the assault took place, and to protect those whose profession places them in a more precarious situation, the State Legislature has carved out an exception for certain individuals who, if they suffer "physical injury", are provided a special status; and

Whereas, The most obvious example, of course, are police officers, firefighters, and emergency medical technicians; if an individual assaults and causes "physical injury" to one of these public servants while he or she is performing a lawful duty, then the person is automatically charged with a felony; and

Whereas, In addition, the State Legislature recently made amendments to the Penal Law so that if a person is on school grounds and causes physical injury to an employee of a school district, such person is automatically charged with a felony, and if a person assaults and causes physical injury to a train operator, ticket inspector, conductor or bus operator while the transit employee is performing a duty directly related to operation of the bus or train, such individual is charged with a felony; and

Whereas, Just as the State Legislature provides an elevated assault charge for those individuals who engage in certain types of professional work, so too should the State Legislature provide such an elevated assault charge for those who trespass on the playing field and assault a sports professional, based on the greater risk such professionals face; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to amend the Penal Law to mandate that any person, while trespassing on the playing area of a professional sporting event who assaults an umpire, referee, player, coach, manager, or other sports official, be charged with a felony.