

(S. B. 304)

(No. 67-2019)

(Approved July 19, 2019)

AN ACT

To add a new Article 108A to Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” in order to classify as an offense any assault of a person resulting from discharging duties as an umpire, a referee, a judge, a sports official, or any other official duty in a sporting event; to fix penalties; and for other related purposes.

STATEMENT OF MOTIVES

Emotions run high among fans, players, and even the latter’s parents during sporting events. These emotions are heightened when games are close. Therefore, on occasion, this happiness and commotion can unfortunately turn into aggression. This could lead to incidents of assault during sporting events, thus defeating their main purpose, which is good entertainment, camaraderie, and the development of good habits.

The People of Puerto Rico recently bore witness to a father who assaulted a referee at a game when the latter was just discharging his duties as such. This caused a scuffle among the people present. Unfortunately, this unexpected incident occurred in plain sight for everyone to see, especially the children.

Upon analysis of our code of laws, the Penal Code of 1974 classified as aggravated assault any action against an umpire, a referee, a judge, a sports official, or any other official duty in a sporting event. The Penal Code of 2004, however, eliminated the list of aggravating circumstances included in the Penal Code of 1974, and provided for a more stringent penalty in accordance with the bodily injury caused.

Nevertheless, assault incidents continue to happen at sporting events thus affecting the wholesome environment and entertainment that Puerto Ricans seek when attending these events as a family. It is time to take measures as are necessary to protect the lives and property, and ensure the safety of the people of Puerto Rico. This Act is undoubtedly a step in the right direction. Therefore, this Legislative Assembly seeks to classify as an offense any assault of a person discharging duties as an umpire, a referee, a judge, a sports official, or any other official duty in a sporting event.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section.- A new Article 108A is hereby added to Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” to read as follows:

“Article 108A.- Assault of an Umpire, a Referee, a Judge, a Sports Official, or Any Other Person Discharging Official Duties in a Sporting Event.-

Any person who unlawfully, by any manner of means, inflicts a bodily injury upon another person as a result of the official performing his official duties as an umpire, a referee, a judge, a sports official, or any other official duty in a sporting event shall be guilty of a misdemeanor and punished by imprisonment for a term not to exceed six (6) months, house arrest or community service not to exceed six (6) months, and/or a fine not to exceed five thousand dollars (\$5,000), but not less than two thousand five hundred dollars (\$2,500).

If the assault results in an injury involving hospitalization, extended treatment, or maiming it shall be punishable by the penalties established in Articles 109 and 109A, as appropriate.”

Section 2.- Severability

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such

effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article

, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 3.- This Act shall take effect immediately after its approval.