

# MICROFILM DIVIDER

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10/2/03  
Date

2003 HOUSE JUDICIARY

HB 1208

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208

House Judiciary Committee

Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
1	xx		21-end
1		xx	0-5
Committee Clerk Signature <i>R. Penrose</i>			

**Minutes:** 11 members present, 2 members absent (Rep. Bernstein, Rep. Eckre)

**Chairman DeKrey:** We will open the hearing on HB 1208.

**Rep. Lyle Hanson:** Introduced the bill (see attached amendments).

**Rep. Grande:** I understand where you are headed with us. Can we not enforce this already.

You can't harass people, you can't abuse people, can't we just start enforcing the laws we have.

**Rep. Hanson:** Rep. Kretschmar was the attorney on the committee, he might know better.

There must be some reason for this to be added. I think we need a little protection one way or another.

**Rep. Grande:** Then would you mind amending it to include coaches.

**Rep. Hanson:** Whatever you feel is necessary is fine with me.

**Rep. Klemin:** On line 10, it makes it a class A misdemeanor, if someone negligently causes bodily injury with a weapon. How can that happen.

**Rep. Hanson:** A.G.'s office made some changes to the bill.

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**Rep. Grande:** Currently you do something with a weapon, isn't that a felony, instead of the class A misdemeanor. (This question was addressed to Rep. Klemin, he didn't know the answer.)

**Chairman DeKrey:** Thank you. Further testimony in support of 1208.

**Dave Carlsrud, High School Activities Association:** Support. Want to see the penalties increased.

**Rep. Kretschmar:** Were criminal charges ever filed in the incidents that you just related?

**Mr. Carlsrud:** One of which I am aware. Two of them came to our Board.

**Rep. Kretschmar:** What happened in that case that went to court.

**Mr. Carlsrud:** Since one of the offenders was a juvenile, he was given probation.

**Rep. Klemin:** With so few criminal complaints being filed, what would this bill do differently that we don't have now?

**Mr. Carlsrud:** As I understand this, it would provide for a greater penalty.

**Rep. Grande:** Could those cases not have been filed already, and if we have a higher penalty, if people aren't willing to take action now when the penalty is less, if they know it is going to be severe, that may deter a person from filing because it's somebody's grandparent?

**Mr. Carlsrud:** It may or may not.

**Rep. Grande:** I would like to see the laws we currently have actually work, and if we aren't willing to use the laws we have, if we make them stricter, then we may not have anybody willing to do anything.

**Mr. Carlsrud:** I can't speak to that.

**Chairman DeKrey:** Thank you. Any further testimony in support.

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**Mr. Herman, sports official:** (see attached testimony).

**Rep. Boehning:** Aren't people just doing what they see going on at professional games, and what players are doing to the referees. If this bill going to help us.

**Mr. Herman:** Yes, because we feel this bill will help create public awareness.

**Rep. Klemin:** If we pass the bill, will there be education of the public going on in the schools? Will the penalties be explained in the education.

**Mr. Herman:** I can't speak on behalf of the Activities Association, but I can speak as to what I do in my school, and yes there is ongoing education, and will be communicated to my constituents.

**Rep. Boehning:** What measures do you have in place in your school if it happens now.

**Mr. Herman:** The school board has looked at policies, and look at each situation individually.

**Rep. Delmore:** Is there security at activities?

**Mr. Herman:** No law enforcement at games - we don't have the resources.

**Rep. Delmore:** Class A does have security, do you think this bill would help at the smaller schools.

**Mr. Herman:** Yes I think this bill will work, but not necessarily so much as the penalty issue, but it is an education issue, which I can use to reinforce the position that we need to take better care of sportsmanship.

**Rep. Kretschmar:** In your experience over the last two years, have you seen an increase of bad sportsmanship.

**Mr. Herman:** Yes, it is also nationwide.

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1208.

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**Joe Killoran:** Support. We need to have laws in place where the official doesn't have to bring a complaint against someone, the person would just get ticketed.

**Rep. Grande:** Where does it say you don't have to officially file a complaint.

**Mr. Killoran:** I would assume that we have a law on the books that doesn't require the official to file the complaint.

**Rep. Grande:** You would like to see it amended to say that.

**Mr. Killoran:** I would like to see that, and also that the penalty is more severe for each occurrence.

**Rep. Grande:** In our school after one incident you are removed, and that can be verbal or written. You do not return until the board members allow you back in the building. I guess what you would like to see in your amendment is that we give sporting officials the right to write tickets as though they were law enforcement.

**Mr. Killoran:** No, I don't want to give the sport official the authority that he has to write a ticket, I would like to see a school administrator, a civilian that brings it to the attention of a law enforcement official, so it doesn't have to be the sporting official who has to right the ticket.

**Rep. Grande:** In our school, every parent has to sign off on a behavioral sheet, and if removed are not allowed back into any of the games. There must be a better way of handling this instead of moving to the point where principals writing tickets.

**Mr. Killoran:** But if you have a law in effect, you might get the schools to act on that because of that law, because you would have more disciplinary actions taken in the schools.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Sen. Mueller:** Support. Want to maintain the integrity of the game.

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**Chairman DeKrey:** Thank you. Any further testimony in support, in opposition? We will close the hearing.

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