

George H. Ryan  
GOVERNOR

July 12, 2001

To the Honorable Members of  
The Illinois Senate  
92nd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return Senate Bill 50 entitled "AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3."

Senate Bill 50 amends the Unified Code of Corrections to require a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery of a sports official at any level of competition. The battery must be committed in or near an athletic facility at which the sports official was an active participant in an event.

Under current law, a person charged with a Class A misdemeanor battery is subject to a maximum fine up to \$2,500 or an amount specified in the offense, whichever is greater. There is no minimum fine under current law for this specific offense. This bill sets a minimum fine for the misdemeanor battery of a sport's official.

I vetoed the nearly identical House Bill 448 in the 91st General Assembly. In my veto message on that bill I pointed out several problems. Senate Bill 50 only addresses one of my previously expressed concerns.

This bill is intended to send a message to sporting event participants and spectators that violence against a referee or umpire is not acceptable. Sports - especially at the recreational and youth levels - should promote good sportsmanship, respect for rules and authority, and fair play. I fully agree with these principles and have high regard for those who put in the time and effort to act as sport's referees and umpires, often on a volunteer basis. There is not any justification for harassing or committing a battery against a sports official, because of the way he or she refereed a game. However, I still have several concerns about this legislation.

The battery in this bill does not have to be related to the sport official's duties; the bill only requires that he or she be an active participant in a sporting event. As such, a battery entirely unrelated to a sport official's duties, after an event, would be covered under this bill.

The bill requires that the battery of the sport's official take place within an "athletic facility or within the vicinity of an athletic facility." The term "vicinity" is vague for a criminal law provision. How far away is a vicinity? According to the legal dictionary, vicinity is a relative term and depends upon the circumstances. Current law uses phrases such as "within 1000 feet" and Senate Bill 50 should explicitly define the area covered or require it to be contiguous to the athletic facility.

There is already a provision in current law that increases the penalty to Class 3 felony for battering a sport's official in the places set forth in this bill. Section 12-4 of the Criminal Code of 1961 defines aggravated battery to include committing a battery when the perpetrator or victim is on or about a public way, public property or public place of accommodation or amusement. Public way includes streets, sidewalks and parking lots. People v. Pennington, 172 Ill.App.3d 641, 527 N.E.2d 76 (1988) and People v. Pugh, 162 Ill.App.3d 1030, 516 N.E.2d 396(1987). Case law also states that a place of public amusement is one where the public is invited to come and partake of whatever is being offered there. People v. Murphy, 145 Ill.App.3d 813, 496 N.E.2d 12 (1986). It seems clear, that just about every athletic facility one can name is either public property or place of public accommodation or amusement. Likewise, the streets, sidewalks and parking areas surrounding an athletic facility are a public way. Therefore, current law already offers sufficient protections

should a sports official be the victim of a battery in an athletic facility or surrounding area.

For these reasons, I hereby veto and return Senate Bill 50.

Sincerely,  
George H. Ryan  
GOVERNOR