



Office of the President

**Neutral Testimony Regarding  
House Bill No. 2139  
Before the House Committee on Education  
February 2, 2023**

Chairman Thomas, and Members of the House Committee on Education:

Thank you for the opportunity to provide neutral testimony regarding House Bill No. 2139, which creates the crime of abuse of a sports official.

Washburn University as a public, municipal university has its own police department. Kansas statutes authorize the police department as fully functioning law enforcement officers, with all the rights and privileges commonly expected. Our police officers patrol the campus, are regularly present at University athletic competitions, and respond to calls within our jurisdiction. If House Bill No. 2139 becomes law, Washburn Police would enforce the law on our campus. After our review of House Bill No. 2139, we are concerned the language of the bill is very broad and some language is completely undefined. Enforcement of this measure, which creates a new crime, will require law enforcement to have a clear understanding of the expectations.

The first clarification is whether this would apply to collegiate sporting events, both NCAA sports and intramurals, and whether it covers only athletic events. For example, would dance, debate, or cheer competitions be covered? The next clarification is regarding the definition of "sports official" and whether that includes all officials at track and field events. Additionally, the definition of "sports official" lists the term "assistant," and it's unclear to whom that refers.

Finally, the behavior contemplated in the bill is addressed by current assault/battery and disorderly conduct statutes. This would add an extra layer of complexity for law enforcement or prosecutors because the elements of this law are slightly different and both have the same crime classification. The bill does not include a definition of obscene language or gesture, which would leave law enforcement to use their discretion, as well as some 1<sup>st</sup> amendment implications. The existing disorderly conduct statute helpfully defines "fighting words".

We have shared our concerns to the principal sponsor and appreciate the intent of this bill and understand the importance of protecting sports officials, participants and spectators attending events from abusive behavior.

Thank you.

Dr. JuliAnn Mazachek, President