

HCS HB 742 -- CRIMINAL OFFENSES

SPONSOR: Wiemann

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 6 to 2.

The following is a summary of the House Committee Substitute for HB 742.

This bill specifies that, if the victim of an assault in the first degree is targeted because of the actual or perceived status of the victim based on the victim's profession or employment as a public safety officer, the offense is a class A felony. Any person guilty of committing assault in the first degree under this provision will not be eligible for suspended imposition or suspended execution of sentence or will not be eligible for parole or conditional release until the person has served at least 10 years' imprisonment.

The bill also creates "Blair's Law", which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of any municipality. These provisions will not apply if the firearm is discharged under the circumstances listed in the bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that, currently, an assault of a law enforcement officer can be considered a B felony but this would increase it to an A felony. One witness testified that he has been the victim of an assault in the 1st degree many times in his law enforcement career. If someone is willing to purposely attack an armed officer, what would that person be willing to do to a private citizen. There has been a noticeable increase in incidents of officers being attacked. This bill is specifically about officers who are targeted for wearing a uniform.

Testifying for the bill were Representative Wiemann; Brad Thielemier, Missouri State Troopers Association; Arnie C. Dienoff; Missouri Association of Osteopathic Physicians and Surgeons (MAOPS).; Dale Schmidt, Missouri Peace Officers Association; Donald R. Vanon, Jr., Fraternal Order of Police, Lodge 15; Joe Patterson, St. Louis County Police Association, Fraternal Order of Police, Lodge 111; Kelly Cope, Saint Charles County Ambulance District;

Kevin Ahlbrand, Missouri Fraternal Order of Police; Mark Habbas, Missouri State Council of Firefighters; Missouri Police Chiefs Association; and Stephaen (Jay) Schroeder, St. Louis Police Officers Association.

OPPONENTS: Those who oppose the bill say that this bill is unnecessarily redundant because officers are already special victims under the law, and there are already punishments and penalty enhancements if officers are attacked.

Testifying against the bill were Anita Guess; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.