



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 116 entitled:

AN ACT

To repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a law enforcement officer, emergency personnel, probation and parole officer, transit operator, or an employee of mass transit systems while on duty or in operation of their official vehicle, with penalty provisions.

I disapprove of House Bill No. 116. My reasons for disapproval are as follows:

Currently, sections 565.081, 565.082, and 565.083, RSMo, provide enhanced punishment for assaults committed against law enforcement officers, emergency personnel and probation and parole officers. The enhanced punishment applies to assaults of these classes of individuals regardless of whether they were on duty at the time of the assault, so long as the defendant knew the victim was a member of one of these groups.

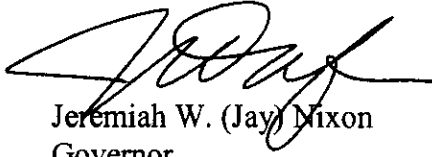
House Bill No. 116 adds transit operator and mass transit employee into each of these offenses. This is a laudable purpose because such employees can be targeted while engaged in their vocation and deserve additional protection.

However, House Bill No. 116 inserts "while on duty or in operation of their official vehicle" at the end of each operative section. While this language may have been intended to only apply to transit operators and mass transit employees, its placement at the end of each section would likely be deemed to modify and limit the protections afforded all law enforcement officers, emergency personnel, and probation and parole officers contained in sections 565.081, 565.082, and 565.083, RSMo.

Enhanced punishment for assaults against transit operators and mass transit employees may be appropriate but cannot be accomplished at the expense of protections already afforded law enforcement officers, emergency personnel, and probation and parole officers.

In accordance with the above stated reasons for disapproval, I am returning House Bill No. 116 without my approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay Nixon", written over the printed name and title.

Jeremiah W. (Jay) Nixon
Governor