

HB 1233 -- ASSAULT OF A MASS TRANSIT WORKER

SPONSOR: Pace

COMMITTEE ACTION: Voted "Do Pass" by the Special Standing Committee on Urban Issues by a vote of 4 to 3.

This bill creates the crime of assault of an employee of a mass transit system in the first, second, and third degree. An employee of a transit system is limited to the operator of a bus or train.

The bill specifies that a person commits this crime in the first degree, a class B felony, if a person attempts to kill or knowingly causes or attempts to cause serious physical injury to a mass transit system employee while in the scope of his or her duties.

A person commits this crime in the second degree if a person knowingly causes or attempts to cause physical injury to a mass transit employee while in the scope of his or her duties by means of a deadly weapon or dangerous instrument or by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; operates a motor vehicle while in an intoxicated condition or under the influence of a controlled substance and in so doing acts with criminal negligence to cause physical injury; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places the employee in apprehension of immediate serious physical injury; or acts with criminal negligence to create a substantial risk of death or serious physical injury. Assault of an employee of a mass transit system in the second degree is a class C felony unless committed under specified situations in which it is a class B felony.

A person commits this crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury, purposely places the employee in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact without the consent of the mass transit employee.

PROPONENTS: Supporters say that the bill gives discretion to the prosecutor and that there is a need to protect operators, passengers, and pedestrians. There have been 15 incidents in the last year of an operator being assaulted involving the police and numerous minor incidents not involving police. When an operator opens the doors at a stop and is strapped in by a seat belt, the operator is at risk putting the passengers and general public at risk.

Testifying for the bill were Representative Pace; Ken Menges, Sheet

Metal Air Rail Transportation; United Transportation Union; Springfield City Utilities; Mike Winters, Missouri Public Transit Association; Keith Harness, Metro; and Kansas City Area Transportation Authority.

OPPONENTS: There was no opposition voiced to the committee.