

HB 1873 -- VEHICLE HIJACKING

SPONSOR: Gregory

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 15 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

This bill creates the offense of vehicle hijacking, which is committed when an individual knowingly uses or threatens the use of physical force upon another individual to seize or attempt to seize possession or control of a vehicle. This offense is punished as a class B felony unless one of the aggravating circumstances listed in the bill was present during the commission of the offense, in which case it is punished as a class A felony.

Additionally, the definition of dangerous felony is modified to include the offense of vehicle hijacking when punished as a class A felony.

This bill specifies that, beginning January 1, 2021, if a person is charged with the offense of vehicle hijacking and is between the ages of 12 and 18, a mandatory hearing will be conducted to determine whether the case shall proceed in a juvenile court or the offender will be certified as an adult. As of the effective date of the bill and prior to January 1, 2021, if a person is charged with the offense of vehicle hijacking and is between the ages of 12 and 17, a mandatory hearing will be conducted to determine whether the case shall proceed in juvenile court or the offender will be certified as an adult.

This bill is similar to SB 561 (2020).

PROPONENTS: Supporters say that creating this offense will allow prosecutors to charge offenders with a specific offense rather than having to rely on the broader robbery or stealing statutes. This also changes the definition of "vehicle" to be more consistent with the definition elsewhere in statute so we do not inadvertently charge kids who steal scooters. The bill would also be effective with attempted vehicle hijackings, which are commonly charged as stealing. Even when they are charged as robberies, the decisions often turn on whether there are injuries and whether the attempt was successful. There is a very effective vehicle hijacking statute and there is no reason there should not be one in the state so state prosecutors will be able to charge with it, too.

Testifying for the bill were Representative Gregory; Cristian M. Stevens, Office of Missouri Attorney General; Andrew Soll, St. Louis County Police Department; Jay Schroeder, St. Louis Police

Officers Association; St Louis Police Officers Association, St. Louis County Police Association; and Dale A. Schmidt, Missouri Peace Officers Association.

OPPONENTS: Those who oppose the bill say that they have concern about specific language and how broad it is and who it might inadvertently capture. Opponents also expressed concern over the classification of the offense as a class A felony. Concern over treating juveniles as adults was also expressed, as there is data showing that the brain is still developing at age 17.

Testifying against the bill were Jewish Community Relations Council; and the American Civil Liberties Union of Missouri.

OTHERS: Others testifying on the bill say that they are highly supportive of the objectives and goals of the legislation but have concern about how it is being accomplished. In the 2014 criminal code revision, there was an attempt to streamline boutique offenses and this offense would be better added as an enhanced penalty in the current robbery statute.

Testifying on the bill was Stephen Sokoloff, Missouri Office of Prosecution Services; and the Missouri Association of Prosecuting Attorneys.