



GOVERNOR OF MISSOURI

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JEREMIAH W. (JAY) NIXON
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July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 37 entitled:

AN ACT

To repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

I disapprove of Senate Committee Substitute for Senate Bill No. 37. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 37 reflects a well-intentioned effort by the General Assembly to address the challenges being experienced by the Missouri Public Defender System. However, while I acknowledge that the public defender system is operating under significant stresses, I disagree that the solution is to allow the Public Defender Commission to establish maximum caseload standards and create waiting lists for criminal defendants.

Permitting the Public Defender Commission to unilaterally establish caseload limits will simply shift the burden to other participants in an already burdened criminal justice system. While that may understandably be preferable from the Public Defender System's perspective, it will not aid crime victims who will have to wait for justice to be imposed, prosecutors who may feel the necessity to prematurely waive jail or prison time in order to move a case forward, or criminal defendants who will have their day in court delayed.

Moreover, under Senate Committee Substitute for Senate Bill No. 37, once the maximum caseload limit is reached, management of the public defender's docket is effectively transferred from the public defender system to the trial court. Under this legislation, it is the trial court that will determine the order in which cases are placed on the waiting list for defender services. This relieves the public defender

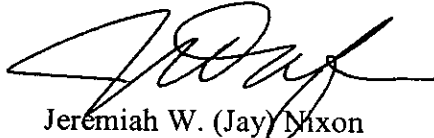
of the responsibility for their caseload at the expense of the trial court, but in no way does it actually address the caseload problem. Those cases will still exist, those defendants will still be waiting for their day in court, and those crime victims will continue to await justice.

While I commend the General Assembly for its effort in addressing this issue, after considerable thought and consideration, I have concluded that this approach vests too much unfettered discretion with the Public Defender System to set maximum caseload limits that will result in significant responsibilities shifting to the other participants in the criminal justice system to the detriment of all parties, including crime victims, without appreciable benefits being realized.

I disapprove of Senate Committee Substitute for Senate Bill No. 37 because I do not believe that it will solve the targeted problem. It is clear to me that the problem is one of resources, not only for the Public Defender System, but all participants in the criminal justice system. I am committed to working with the General Assembly to identify additional resources that will allow criminal proceedings to proceed effectively and efficiently for all parties involved.

In accordance with the above stated reasons, I disapprove of Senate Committee Substitute for Senate Bill No. 37.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor