

## Legislation Text

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**File #:** BILL NO. 17-14, **Version:** 2

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, BY REPEALING, CHAPTER 17, OFFENSES IN ITS ENTIRETY; AND ENACTING IN LIEU THEREOF A NEW CHAPTER 17, OFFENSES, OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS IN ACCORDANCE WITH REVISIONS TO THE REVISED CRIMINAL CODE OF MISSOURI. (PSAB 12/20/16)

### Issue/Request:

Due to a recent overhaul to the Missouri State Criminal Code, a several sections of Chapter 17 of the Code of Ordinances, City of Lee's Summit, Missouri will no longer substantially similar to their state counterparts without amendment. As the number of city ordinances within Chapter 17 requiring amendment was significant, City staff determined that it would be more efficient and reduce the chance for error to take the same approach as State government utilized with their recent criminal code overhaul and repeal the entire chapter and adopt a new chapter incorporating the changed ordinances with the unchanged ordinances. City staff recommends adoption of an ordinance in order to make the changes described.

### Proposed City Council Motion:

FIRST MOTION: I move for second reading of AN ORDINANCE AMENDING CHAPTER 17 OFFENSES OF THE CODE OF ORDINANCES, BY REPEALING, CHAPTER 17 IN ITS ENTIRETY; AND ENACTING IN LIEU THEREOF A NEW CHAPTER 17 OFFENSES, OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS IN ACCORDANCE WITH REVISIONS TO THE REVISED CRIMINAL CODE OF MISSOURI.

SECOND MOTION: I move for adoption of AN ORDINANCE AMENDING CHAPTER 17 OFFENSES OF THE CODE OF ORDINANCES, BY REPEALING, CHAPTER 17 IN ITS ENTIRETY; AND ENACTING IN LIEU THEREOF A NEW CHAPTER 17 OFFENSES, OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS IN ACCORDANCE WITH REVISIONS TO THE REVISED CRIMINAL CODE OF MISSOURI.

### Background:

The State of Missouri collaborated with many experts and practitioners, including prosecutors and victim's rights advocates, to develop a comprehensive overhaul to the Missouri Criminal Code. Senate Bill 491 was adopted as the final product of this work, and it comes into effect on January 1, 2017. As part of the revisions changes were made to state laws regarding criminal offenses such as offenses against public administration, offenses against the person, offenses against property, offenses against public safety, and offenses against public morals. Chapter 17 of the Code of Ordinances of the City of Lee's Summit regulates such offenses within the City of Lee's Summit and provisions within it have been substantially similar to state law. Many of the changes recently made by the State Criminal Code overhaul result in differences in wording between some

of the new State Codes and the existing City Ordinances. City staff collaborated with city attorneys, city prosecutors and city police staff to discuss the changes. Therefore, in order to avoid conflicts or confusion within the law and to enhance efficient administration, regulation and enforcement of these laws within the city, City staff recommends a repeal of Chapter 17 of the City Code in its entirety and enact in lieu thereof a new Chapter 17 offenses in order to bring them into compliance with the new State code changes.

Impact/Analysis:

The majority of the changes to the Missouri Criminal Code involve renaming, renumbering, and consolidating crimes into new sections or categories. These changes do not have a direct impact on city ordinances. Changes that will impact city ordinances include replacing the word "crime" with "offense" and clarifying definitions or elements of certain crimes or offenses that are in the the Lee's Summit Code of Ordinances. There are no changes to the penalty provisions of the City ordinances. Punishment for an offense will remain the same.

Other Information/Unique Characteristics:

When reading the compared version, words that are added are underlined and words that are deleted are struck through. Different colors within the text can be ignored, the program changed colors at times and we were unable to unify the colors.

Recommendation: Staff recommends adoption of AN ORDINANCE AMENDING CHAPTER 17 OFFENSES OF THE CODE OF ORDINANCES, BY REPEALING, CHAPTER 17 IN ITS ENTIRETY; AND ENACTING IN LIEU THEREOF A NEW CHAPTER 17 OFFENSES, OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS IN ACCORDANCE WITH REVISIONS TO THE REVISED CRIMINAL CODE OF MISSOURI.

Committee Recommendation: On December 20, 2016, the Public Safety Advisory Board (PSAB) reviewed and recommends approval of the proposed ordinance.