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AGENDA ITEM

TO: Mayor and City Council

FROM: Police Chief Rick Bashor

DATE: September 10, 2014

RE: **MISCELLANEOUS OFFENSES – Three New Ordinances**

Issue:
In January of 2014, the Missouri State Highway Patrol Charge Code Manual included two new charge codes available for ordinance violations. One of these charge codes involves the inhalation of solvents and the other is for the offense of stalking. Related to the stalking offense is also a charge code for harassment which became effective in 2003 but was never adopted into the City of Cameron Codes.

Background:
In the past, offenses for harassment, stalking, and the inhalation of solvents have all been forwarded to the associated county prosecutor's offices for prosecution. Sometimes charges are filed but often due to congested court dockets, many misdemeanor offenses go unprosecuted. Adoption of these three ordinances will give Cameron Officers the ability to write Municipal Summons for these violations which will include the arrest and booking process and have the case stay within the local court system for prosecution and revenue generation. Ultimately, immediate consequences for such violations will greatly help curtail these types of incidents

Action:
Staff recommends approval of all three Code modification Ordinances. Code changes require three (3) readings.

Bill 2014-47

AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, CREATING SECTION 8-36.2 REGARDING STALKING TO ARTICLE I - IN GENERAL, OF CHAPTER 8 – OFFENSES MISCELLANEOUS OF THE CITY OF CAMERON CODE

WHEREAS, stalking is a course of conduct with no legitimate purpose which causes an individual(s) to be harassed and a credible threat to be experienced on that person's life and or property; and

WHEREAS, the State of Missouri has passed legislation dealing with this issue at the state level as well as creating charge codes available for local/ordinance violations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. The Mayor and City Council are hereby authorized to create Sections 8-36.2 as follows:

Sec. 8-36.2 Stalking.

(a) As used in this Section, the following terms shall mean:

COURSE OF CONDUCT: A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionality protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in Section 276.606, RSMo, kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606 RSMo, kept at such person's residence or on such person's property.

HARASSES: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

(b) A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

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(c) The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.

(d) Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

(e) This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation(s) of Federal, State, County, or Municipal law.

(Note – Under certain circumstances this offense can be a felony under state law.)
(State law reference – Similar provisions, RSMo 565.225)

Section 2. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 3. The City Clerk is directed to attest to the Mayor's signature.

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on first reading this 22nd day of September 2014.
Passed and approved on second reading this 6th day of October 2014.
Passed and approved on third and final reading this _____ day of _____ 2014.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

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