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****** Third Reading ******

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 2014-45

AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, CREATING SECTION 8-36.1 REGARDING HARASSMENT TO ARTICLE I - IN GENERAL, OF CHAPTER 8 – OFFENSES MISCELLANEOUS OF THE CITY OF CAMERON CODE

WHEREAS, harassment is a serious act which causes a person to be frightened, intimidated, or have emotional distress; 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 8-36.1 as follows:

Sec. 8-36.1 Harassment.

(a) A person commits the offense of harassment if he or she:

(1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;

(2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;

(3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;

(4) Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

(5) Knowingly makes a repeated unwanted communication to another person; or

(6) Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

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(b) Harassment is an ordinance violation unless:

(1) Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or

(2) 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, and State law, and 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.

(c) 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 565.090)

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 20th day of October 2014.

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Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

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