

ORDINANCE NO. 150448

Amending Chapter 50, Code of Ordinances, by repealing Sections 50-73, 50-168, 50-169, 50-173, 50-232, 50-242 and 50-262 relating to offenses and enacting in lieu thereof seven new sections of like number and subject.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 50-73, 50-168, 50-169, 50-173, 50-232, 50-242 and 50-262 relating to offenses and enacting in lieu thereof seven new sections of like number and subject, to read as follows:

Sec. 50-73. Same—Violations near school or church.

If any person shall be found guilty of a violation of section 50-72 and such violation is found to occur within 300 feet of a school or church, such person shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-168. Bodily injury—Attempting.

No person shall, by an intentional, overt act, attempt to unlawfully inflict a bodily injury or attempt to cause an unlawful, offensive contact upon the person of another. Any person found guilty of violating this section shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-169. Same—Inflicting.

No person shall, by an intentional, overt act, unlawfully inflict bodily injury or cause an unlawful, offensive contact upon the person of another. Any person found guilty of violating this section shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-173. Witness intimidation.

It shall be unlawful for any person with a pending city ordinance violation to contact a witness or complainant for the purpose of threatening, coercing, intimidating, or otherwise discouraging a witness or complainant from appearing in court to testify on behalf of the city. As used in this section, contact shall include all forms of communication, and shall extend to the actions of a third party taken on behalf, or at the direction, of a person charged with a pending city ordinance violation. Any person found guilty of violating this section shall be punished by imprisonment not to exceed 180 days

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or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-232. Sexual abuse of a child.

(a) *Definitions.* As used in this section the following terms mean:

Aggressor is the person whose conduct causes or tends to cause physical injury to a child.

Child is a person under the age of 17.

Sexual conduct means any act of human masturbation or physical contact with a person's clothed or unclothed body in an act of apparent sexual stimulation or gratification.

Sexual contact means any contact with a person's pubic area, buttocks, breasts, or any other area on the body of another, whether clothed or unclothed, in an act of apparent sexual stimulation or gratification.

(b) *Violation.* A person commits the ordinance violation of sexual abuse of a child by:

- (1) Subjecting a child, to whom that person is not married, to sexual contact;
- (2) Engaging in sexual conduct with a child, to whom that person is not married; or
- (3) Engaging in sexual conduct in the presence of a child, to whom that person is not married.

(c) *Penalty.* Any person found guilty of violating this section shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-242. Abuse of a child.

(a) *Definitions.* As used in this section the following terms mean:

Abuse is any physical injury inflicted by an aggressor against a child other than by accidental means. Discipline, including spanking, administered in a reasonable manner shall not be construed as abuse.

Aggressor is the person whose conduct causes or tends to cause physical injury to a child.

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Child is a person under the age of 17.

(b) A person commits the ordinance violation of abuse of a child if that person:

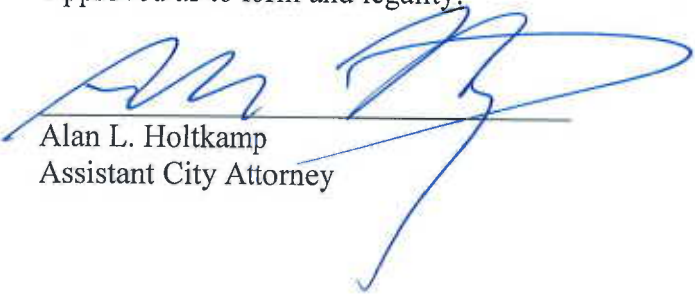
- (1) Attempts to cause physical injury to a child and such conduct is a substantial step toward the commission of the crime of attempting to cause physical injury and was done for the purpose of committing such assault; or
- (2) Intentionally causes physical injury to a child; or
- (3) Recklessly causes physical injury to a child.

(c) *Penalty.* Any person found guilty of violating this section shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00, or by both such imprisonment and fine.

Sec. 50-262. Same—Penalty when firearm involved in violation.

Any person violating any provision of section 50-261, except for subdivisions (6) and (7) of subsection (a) of such section, where the dangerous or deadly weapon involved in such violation is a firearm shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$250.00 nor more than \$1,000.00 or by both such imprisonment and fine.

Approved as to form and legality:


Alan L. Holtkamp
Assistant City Attorney



Authenticated as Passed


Marilyn Sanders, Mayor

Marilyn Sanders, City Clerk

JUN 11 2015

Date Passed