

ORDINANCE NO. 2295

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER XI ARTICLE I OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "PUBLIC OFFENSES & TRAFFIC" BY MAKING CERTAIN ADDITIONAL DELETIONS, CHANGES AND ADDITIONS TO THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2012

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

SECTION ONE

11-103 is hereby adopted to read as follows:

11-103. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.

Article 4 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 4.3, 4.4 and 4.5 and inserting in place thereof the following:

4.3 SELLING SEXUAL RELATIONS. Selling Sexual Relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

- (a) Sexual intercourse;
- (b) Sodomy; or
- (c) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.
- (d) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child. (K.S.A. Supp. 21-6419)

Selling Sexual Relations is a Class B violation.

4.4 RESERVED FOR FUTURE USE.

4.5 BUYING SEXUAL RELATIONS. Buying sexual relations is knowingly:

- (a) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact

stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or

(b) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or an unlawful sexual act. (K.S.A. Supp. 21-6421)

Buying Sexual Relations is a Class A violation on conviction of a first offense. In addition to any other sentence imposed, a person convicted under this section shall be fined \$2,500. All fines collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund.

SECTION TWO

11-105. is hereby adopted to read as follows:

11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENT

Article 6 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 6.1, 6.5 and 6.7 and inserting in place thereof the following:

6.1 THEFT.

(a) Theft is any of the following acts done with the intent to deprive the owner permanently of the possession, use or benefit of the owner's property or services:

- (1) Obtaining or exerting unauthorized control over property or services;
- (2) Obtaining control over property or services by deception;
- (3) Obtaining control over property or services by threat; or
- (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another.
- (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel. (K.S.A. Supp. 21-5801)

(b) Theft of property or services of the value of less than \$1,000 is a class A violation, except as provided below.

(1) Property of the value of less than \$1,000 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

(2) Property of the value of less than \$1,000 if committed by a person who has been convicted of theft two or more times; and

(3) Property which is a firearm of the value of less than \$25,000.

(c) As used in this section:

(1) Conviction or convicted includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) regulated scrap metal means the same as in K.S.A. 2011 Supp. 50-6,109, and amendments thereto; and

(3) value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

6.5 CRIMINAL DEPRIVATION OF PROPERTY. Criminal deprivation of property is obtaining or exerting unauthorized control over property, with intent to deprive the owner of temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property. (K.S.A. Supp. 21-5803)

Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than \$100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year's imprisonment and fined not less than \$200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any person where such application would result in a manifest injustice.

Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a

person shall be sentenced to not less than 30 days imprisonment and fined not less than \$100, except that the provisions of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.

6.7 CRIMINAL TRESPASS.

(a) Criminal trespass is:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft other than railroad property by a person with knowledge that such person is not authorized or privileged to do so, and:

(A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person; or

(B) Such premises or property are posted as provided in K.S.A. 32- 1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained.

(2) Entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) Health Care Facility means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) Health Care Provider means any person:

(A) Licensed to practice a branch of the healing arts;

(B) Licensed to practice psychology;

- (C) Licensed to practice professional or practical nursing;
- (D) Licensed to practice dentistry;
- (E) Licensed to practice optometry;
- (F) Licensed to practice pharmacy;
- (G) Registered to practice podiatry;
- (H) Licensed as a social worker; or
- (I) Registered to practice physical therapy. (K.S.A. Supp. 21-5808)

(c) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters, and other premises in the making of a survey.

Criminal trespass is a Class B violation.

Upon a conviction of a violation of subsection (a) (1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

SECTION THREE

11-105. is hereby adopted to read as follows:

11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.

Article 7 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 7.2 and 7.5, and by inserting in place thereof the following:

7.2 INTERFERENCE WITH A LAW ENFORCEMENT OFFICER. Interference with a law enforcement officer is:

- (a) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:
 - (1) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
 - (2) any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or
 - (3) that a crime has been committed or any information concerning a crime or suspected crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
- (b) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any

writ, warrant, process or order of a court, or in the discharge of any official duty.
(K.S.A. Supp. 21-5904)

Interference with a law enforcement officer is a Class A violation if the underlying offense is a code violation or a civil case.

7.5 RESERVED FOR FUTURE USE.

SECTION FOUR

11-107 is hereby adopted to read as follows:

11-107. UNIFORM PUBLIC OFFENSE CODE; ADDITIONS AND AMENDMENTS.

Article 10 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing section Section 10.1.2 "Concealed Carry; Where Prohibited by Employers" and replacing it with the following:

10.1.2 CONCEALED CARRY; WHERE PROHIBITED BY EMPLOYERS.

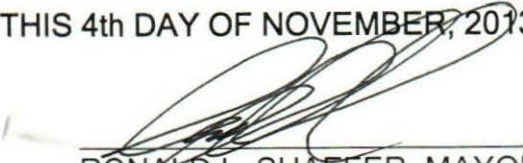
- (a) Nothing in K.S.A. Supp. 75-7c01 through 75-7c17, and amendments thereto (the "Act"), shall be construed to prevent:
 - (1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under the Act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or
 - (2) Any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under the Act from carrying a concealed handgun within a building of such entity, provided that building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act as a building where carrying a concealed handgun is prohibited; or
- (b) It shall be a violation of this Section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) if the building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act. Any person who violates this Section and enters or remains on the premises in defiance of an order not to enter or to leave a building may be charged with Criminal Trespass under Section 6.7 of the Uniform Public Offense Code.

SECTION FIVE

Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 4th DAY OF NOVEMBER, 2013


RONALD L. SHAFFER, MAYOR

ATTEST:


JOYCE HAGEN MUNDY,
CITY CLERK

APPROVED AS TO FORM:


CATHERINE P. LOGAN,
CITY ATTORNEY

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 4th day of Nov, 2013; that the record of the final vote on its passage is found on page 163 of journal 50; that it was published in the Legal Record on the 12th day of Nov, 2013.

 City Clerk