

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting sections 5522., 5523., 5524., 5525., 5526., 5527., Jackson County Code, 1984, relating to petty offenses, with a penalty provision.

ORDINANCE NO. 4832, March 21, 2016

INTRODUCED BY Alfred Jordan, County Legislator

WHEREAS, the current petty offense provisions of the Jackson County Code are not consistent with the Revised Statutes of Missouri regarding conduct required of registered sex offenders, and conduct prohibited by them; and,

WHEREAS, it is in the best interests of the citizens of Jackson County that the applicable county code provisions regarding sex offenders be brought into conformity with the comparable provisions in the Revised Statutes of Missouri; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 5522., 5523., 5524., 5525., 5526., 5527., Jackson County Code, 1984, are hereby enacted, to read as follows, with existing section 5529. to be renumbered as new section 5521:

552[9]1. Failure to Register as a Sex Offender.

A person commits the offense of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 of the Revised Statutes of Missouri and fails to comply with any requirement of sections 589.400 to 589.425.

5522. Halloween, Restrictions On Conduct.

5522.1. Violation.

Any person required to register as a sexual offender under sections 589.400 to 589.425, RSMo, shall be required on October thirty-first of each year to:

- a. Avoid all Halloween-related contact with children;
- b. Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including but not limited to employment or medical emergencies;
- c. Post a sign at his or her residence stating, "No candy or treats at this residence"; and
- d. Leave all outside residential lighting off during the evening hours between 5 p.m. and 10:30 p.m.

5522.2. Penalty.

Any person required to register as a sexual offender under sections 589.400 to 589.425, RSMo, who violates any of the provisions of subsection 1 of this section

shall be guilty of a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter.

5523. Certain Offenders Not to Reside Within One Thousand Feet of a School or Child Care Facility.

5523.1. Violation.

No person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.147, RSMo;

shall reside within one thousand feet of any public school as defined in section 160.011, RSMo, any private school giving instruction in a grade or grades not higher than the twelfth grade, any child care facility that is licensed under chapter 210, RSMo, or any child care facility as defined in section 210.201, RSMo, that is exempt from state licensure but subject to state regulation under section 210.252, RSMo, and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

5523.2. Residence Predates School.

If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the sheriff that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

5523.3. Definition.

For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

5523.4. Penalty.

A violation of any of the provisions of this section is a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter. No person shall be cited for a violation of this section more frequently than once every thirty days.

5524. Certain Offenders Not to Physically Be Present or Loiter Within Five Hundred Feet of a Child Care Facility.

5524.1. Violation.

No person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual

performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.148, RSMo;

shall knowingly be physically present in or loiter within five hundred feet of or approach, contact, or communicate with any child under eighteen years of age in any child care facility building, or on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in a conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

5524.2. Definition.

For purposes of this section, "child care facility" shall have the same meaning as such term is defined in section 210.201, RSMo.

5524.3. Exception, Residence Predates Facility

This section shall not apply to any person who has established a residence that predates the opening of a child care facility, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5524.4. Penalty.

Any person who violates any of the provisions of this section is guilty of a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter.

5525. Certain Offenders Not to be Present Within Five Hundred Feet of School Property.

5525.1. Violation.

No person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

- a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual

performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under tribal, federal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.149, RSMo;

shall be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 5525.2 of this section.

5525.2. Exception, Permission Required For Parents or Guardians Who Are Offenders.

No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in subsection 5525.1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned,

leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or, in the case of a private school, from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or, in the case of a private school from the principal, for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

5525.3 Excetion, Residence Predates School

This section shall not apply to any person who has established a residence that predates the opening of a school, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5525.4. Penalty.

Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, a violation of any of the provisions of this section shall

be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter.

5526. Certain Offenders Not to be Present or Loiter Within Five Hundred Feet of a Public Park or Swimming Pool.

5526.1. Violation.

No person who has pleaded guilty to, been convicted of, or been found guilty of:

a. Violating any of the provisions of chapter 566, RSMo, or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in the state of Missouri, would be a violation listed in section 566.150, RSMo;

shall knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment or a public swimming pool.

5526.2. Exception, Residence Predates Park or Swimming Pool.

This section shall not apply to any person who has established a residence that predates the opening of a public park or public swimming pool, for so long as that person is on the premises of the residence and is otherwise in compliance with section 5523.2 of this chapter.

5526.3. Penalty.

A violation of any of the provisions of this section shall be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter.

5527. Aiding a Sexual Offender.

5527.1. Violation.

A person commits the offense of aiding a sexual offender if such person knows that another person is a convicted sexual offender who is required to register as a sexual offender and has reason to believe that such sexual offender is not complying, or has not complied, with the requirements of sections 589.400 to 589.425, RSMo, and who, with the intent to assist the sexual offender in eluding

a law enforcement agency that is seeking to find the sexual offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of sections 589.400 to 589.425, RSMo:

a. Withholds information from or does not notify the law enforcement agency about the sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, RSMo, and, if known, the whereabouts of the sexual offender;

b. Harbors or attempts to harbor or assists another person in harboring or attempting to harbor the sexual offender;

c. Conceals or attempts to conceal or assists another person in concealing or attempting to conceal the sexual offender; or

d. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information.

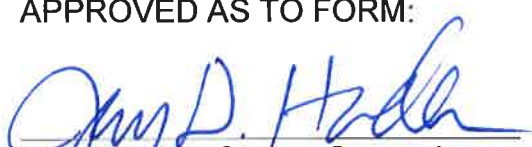
5527.2. Penalty.

A violation of any of the provisions of this section shall be a county ordinance violation, punishable upon conviction pursuant to section 5520. of this chapter.

Section B. Penalty Provision. A violation of any of the provisions of this Ordinance is punishable, upon conviction, pursuant to section 5520., Jackson County Code, 1984.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4832 introduced on March 21, 2016, was duly passed on April 4, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

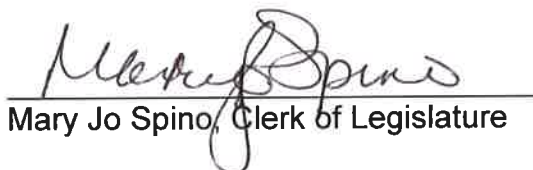
Abstaining 0

Absent 0

Excused 1

This Ordinance is hereby transmitted to the County Executive for his signature.

4-5-16
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4832.

4/5/2016
Date


Frank White, Jr., County Executive