

AN ORDINANCE amending Chapter 82, Offenses and Miscellaneous Provisions, Article III, Offenses Against Public Peace, and enacting a new Section 82-82, Domestic Assault., of the Joplin City Code; and, containing an emergency clause.

WHEREAS, The City's Code of Ordinances does not differentiate between assault and domestic violence; and

WHEREAS, by enacting an ordinance specific to domestic violence, the law and records thereof will be easier to understand and enforce, and will be more consistent with the Revised Statutes of the State of Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That a new Section 82-82, Domestic Assault., of the Joplin City Code, be enacted to read as follows:

"Domestic Assault.

1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, and:

(1) The person attempts to cause or recklessly causes physical pain, injury or illness to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. "Family" or "household member", for the purpose of this section means spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

3. "Domestic Assault", for the purposes of this section shall be a misdemeanor."

Section 2. That the City hereby declares that this Ordinance, dealing generally with public health, safety, and welfare, is considered an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, this Ordinance shall become effective immediately upon its passage. Specifically, citations for domestic assault cannot be issued as such until this ordinance is passed.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 2nd day of February, 2015, by a vote of 7-0-1-1.

Michael L. Seibert, Mayor

ATTEST: Barbara J. Gollhofer, Assistant City Clerk

APPROVED AS TO FORM: Peter C. Edwards, City Attorney