

COUNCIL BILL NO. 2005-018

ORDINANCE NO. 2005-097

AN ORDINANCE amending Chapter 82, Article IV, Offenses Against Morals, of the Joplin City Code, by repealing Section 82-141 of the Joplin City Code, Sexual Misconduct, and enacting a new Section 82-141 in lieu thereof.

WHEREAS, the Missouri Supreme Court has recently ruled that state sexual misconduct statute is unconstitutional because it lacked a requisite mental state that the defendant had to have to commit the offense, and because it was overbroad in that in criminalized conduct that is constitutionally protected; and

WHEREAS, Section 82-141, Sexual Misconduct, of the Joplin City Code is modeled after the state statute; and

WHEREAS, it is necessary to amend the sexual misconduct ordinance in the Joplin City Code so that it is consistent with the recent Supreme Court decision.

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

Section 1. That Section 82-141 of the Joplin City Code, Sexual Misconduct, is hereby repealed, and a new Section 82-141, Sexual Misconduct, is enacted in lieu thereof, to read as follows:

"Section 82.141. Sexual Misconduct.

(a) It shall be unlawful for any person to knowingly expose his or her genitals under circumstances in which he or she knows or should have known his or her conduct is likely to cause affront or alarm.

(b) It shall be unlawful for any person in a public place to solicit, request or engage in, whether for financial consideration or not, any act defined in section 82-143(b).

(c) It shall be unlawful for any person to solicit or request another person to engage in sexual conduct under circumstances in which he knows that his request or solicitation is likely to cause affront or alarm."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of June, 2005.

Phil G. Stinnett, Mayor

ATTEST: Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM: Brian W. Head, City Attorney