

## CHAPTER 75 - OFFENSES

### Article I General Provisions

75.010. Definitions. In this Chapter, unless the context requires a different definition, the following shall apply:

ACCESS: To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE: The defense referred to is not submitted to the trier of fact unless supported by evidence; and If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE: The issue referred to is not submitted to the trier of fact unless supported by evidence; and If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

COLLISION: The act of a motor vehicle coming into contact with an object or a person.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

COMPUTER: The box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, "computer" refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as "peripherals" and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. "Information" refers to all the information on a computer system, including both software applications and data.

COMPUTER EQUIPMENT: Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE: All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. "Hardware" includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers,

speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK: Two (2) or more interconnected computers or computer systems.

COMPUTER PROGRAM: A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions. COMPUTER SOFTWARE: Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER SYSTEM: A set of related, connected or unconnected, computer equipment, data, or software.

COMPUTER-RELATED DOCUMENTATION: Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

CONFINEMENT: A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until: A court orders the person's release; or the person is released on bail, bond or recognizance, personal or otherwise; or a public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.

A PERSON IS NOT IN CONFINEMENT IF: The person is on probation or parole, temporary or otherwise; or the person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement.

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: it is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or it is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the Offense; or It is induced by force, duress or deception.

CONTROLLED SUBSTANCES: Drug, substance, or immediate precursor in Schedules I through V as defined in Chapter 195, RSMo. Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

**DAMAGE:** When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

**DANGEROUS FELONY:** The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

**DANGEROUS INSTRUMENT:** Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

**DATA:** A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

**DEADLY WEAPON:** Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; or a switchblade knife, dagger, billy club, blackjack or metal knuckles.

**DEVIATE SEXUAL INTERCOURSE:** Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

**DIGITAL CAMERA:** A camera that records images in a format which enables the images to be downloaded into a computer.

**DISABILITY:** A mental, physical, or developmental impairment that substantially limits one (1) or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

**DISTURBS:** Shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal Law. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

**DOMESTIC VICTIM,** a household or family member as the term “family” or “household member” spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or have resided together at any time;, including any child who is a member of the household or family;

**ELDERLY PERSON:** A person sixty (60) years of age or older.

**ENTER UNLAWFULLY or REMAIN UNLAWFULLY:** A person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

**FELONY:** An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

**FORCIBLE COMPULSION:** Either: Physical force that overcomes reasonable resistance; or a threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of such person or another person.

**FUNERAL and BURIAL SERVICE:** The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three-hundred-foot zone. The offense of unlawful funeral protest shall be an ordinance violation.

**FURNISH:** To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

**GUARDIAN:** Guardian appointed by court of competent jurisdiction.

**INCAPACITATED:** A temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

**INFRACTION:** A violation defined by this Code or by any other Statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

**INHABITABLE STRUCTURE:** A vehicle, vessel or structure:

1. Where any person lives or carries on business or other calling; or
2. Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or
3. Which is used for overnight accommodation of persons.
4. Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another.

**INJURES:** To cause physical harm to the body of a person.

**INTOXICATED:** "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

**INTOXICATING LIQUORS:** Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume except for no intoxicating beer as defined in section 312.010, RSMo. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter, but subject to inspection as provided by sections 196.365 to 196.445, RSMo.

**KNOWINGLY:** When used with respect to conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or when used with respect to a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

**LAW ENFORCEMENT OFFICER:** Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

**MATERIAL:** Anything printed or written, or any picture, drawing, photograph, motion-picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

**MERCANTILE ESTABLISHMENT:** Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

**MERCHANDISE:** All goods, wares and merchandise offered for sale or displayed by a merchant.

**MERCHANT:** Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

**MINOR:** Any person less than eighteen (18) years of age.

**MISDEMEANOR:** An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

**MOTOR VEHICLE:** Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

**OBSCENE:** To the average person, applying contemporary community standards, the dominant theme of the act or language is considered offensive or is likely to provoke a violent or angry reaction.

**OBSCENE GESTURE:** Any hand or other gesture which is considered obscene or is likely to provoke a violent or angry reaction.

**OF ANOTHER:** Property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

**OFFENSE:** Any felony, ordinance violation, misdemeanor or infraction.

**OTHER PROTEST ACTIVITIES:** Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

**PARENT:** The natural or adoptive father or mother or legal guardian.

**PARENTAL NEGLECT:** Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

**PHYSICAL INJURY:** Slight impairment of any function of the body or temporary loss of use of any part of the body.

**PLACE OF CONFINEMENT:** Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

**POSSESS or POSSESSED:** Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his/her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

**PORNOGRAPHIC FOR MINORS:** Any material or performance if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

2. The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PRIVATE PROPERTY Any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately.

PROPERTY: Anything of value, whether real or personal, tangible or intangible, in possession or in action.

PROPERTY OF ANOTHER: Any property in which the person does not have a possessory interest.

PUBLIC PLACE: Any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: When used with respect to a person's conduct or to a result thereof, means when it is his/her conscious object to engage in that conduct or to cause that result.

RECKLESSLY: Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SERVICES: When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

SEXUAL ORIENTATION: Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SEXUAL CONTACT: Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through

the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female genitalia by the penis.

SOMETHING OF VALUE: Any money or property, or any token, object or article exchangeable for money or property.

SPECIAL VICTIM: Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties; an elderly person;
4. A person with a disability; a vulnerable person;
5. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
6. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
7. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract; any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties;
8. And any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

TO TAMPER: To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.

UTILITY: An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

VEHICLE: A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL: Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.



**VOLUNTARY ACT:** A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or an omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

**VULNERABLE PERSON:** Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

**WRONGFUL TAKING:** Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

**ATTEMPT:** Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

**CONSPIRACY:** Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.

**EXCEPTIONS:** No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E) (1). For the purpose of time limitations on prosecutions: A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired; If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

ARTICLE II

## Offenses Against the Person

Section 75.020. Assault. A person commits the offense of assault in the fourth degree if: (1) the person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;

(2) With criminal negligence the person causes physical injury to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate physical injury;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

(7) Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor unless the victim is a special victim, as the term "special victim" is defined under section 75.010, in which case a violation of such provisions is a class A misdemeanor.

Section 75.030. Domestic Assault. A person commits the offense of domestic assault if the act involves a domestic victim as the term "domestic victim" is defined under Section 75.010, and:

1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 75.040. Harassment. A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

Section 75.050. Kidnapping. A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

Section 75.060. Endangering the Welfare of a Child. A person commits the offense of endangering the welfare of a child if he/she:

1. With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from the behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to Chapter 74.
4. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Chapter 74 Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Section 75.070. Leaving a Child Unattended in a Motor Vehicle. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child

less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

### ARTICLE III Offenses Concerning Administration of Justice

75.080. Concealing an Offense. A person commits the offense of concealing an offense if he or she:

1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

75.090. Hindering Prosecution. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:

1. Harbors or conceals such person; or
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

75.100. Misuse of Emergency Services. It shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service", includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

75.110. Refusal To Identify as a Witness. A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a Law Enforcement Officer engaged in the performance of his or her duties.

75.120. Disturbing a Judicial Proceeding. A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling

for or demanding any specified action or determination by such judge, attorney, juror, party, or witness in connection with such proceeding.

75.130. Tampering With a Witness or Victim. A person commits the offense of tampering with a witness or victim if:

1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

- a. Threatens or causes harm to any person or property; or
- b. Uses force, threats or deception; or
- c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
- d. Conveys any of the foregoing to another in furtherance of a conspiracy; or

2. He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

- a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
- b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
- c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

75.140. Tampering With Physical Evidence: A person commits the offense of tampering with physical evidence if he/she:

- 1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
- 2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

75.150. False Impersonation. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with the purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and

- a. Performs an act in that pretended capacity; or
- b. Causes another to act in reliance upon his/her pretended official authority.

2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and

- a. Performs an act in that pretended capacity; or
- b. Causes another to act in reliance upon such representation; or

3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or social security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and social security number, or a substantial number of identifying factors or

characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

If a violation of Subsection (1)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records

Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

**75.160. False Reports** 1. A person commits the offense of making a false report if he or she knowingly:

- (1) Gives false information to any person for the purpose of implicating another person in an offense;
- (2) Makes a false report to a law enforcement officer that an offense has occurred or is about to occur;
- (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

A) It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

**75.170. Resisting or Interfering With Arrest**, A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the Officer from effecting the arrest, stop or detention, he or she:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference. This Section applies to:
  - a) Arrests, stops or detentions with or without warrants;
  - b) Arrests, stops or detentions for any offense, infraction or ordinance violation; and
  - c) Arrests for warrants issued by a court or a probation and parole officer.

A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

75.180. Escape or Attempted Escape From Custody. A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense, he/she escapes or attempts to escape from custody.

75.190. Interference With Legal Process. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

#### ARTICLE IV Offenses Concerning Public Safety

75.200. Littering. A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City, or on any private real property owned by another without the owner's consent.

75.210. Littering Via Carcasses. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:

1. Into any well, spring, brook, branch, creek, pond, or lake; or
2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

75.220. Tampering With a Water Supply. A person commits the offense of tampering with a water supply if he or she purposely:

1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use. The offense of tampering with a water supply is an ordinance violation.

75.230. Abandoning Motor Vehicle, Vessel or Trailer. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:

1. The right-of-way of any public road or State highway;
2. On or in any of the waters in this State;
3. On the banks of any stream;
4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;
5. On any land or water owned, operated or leased by the Federal government; or
6. On any private real property owned by another without his or her consent,

For purposes of this Section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo.

#### ARTICLE V Offenses Concerning Public Peace

75.240. Peace Disturbance. A person commits the offense of peace disturbance if he or she:

1. Unreasonably and knowingly disturbs or alarms another person or persons by:
  - a. Loud noise; or
  - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a



reasonable recipient; or

c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

d. Fighting; or

e. Creating a noxious and offensive odor.

2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

a. Vehicular or pedestrian traffic; or

b. the free ingress or egress to or from a public or private place.

75.250. Private Peace Disturbance. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. threatening to commit an offense against any person; or

2. fighting.

For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

75.260. Disorderly Conduct. A persons commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating the risk thereof, he/she:

1. Engages in fighting or in violent threatening, or tumultuous behavior;

2. Makes unreasonable or excessive noise;

3. In a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response;

4. Disrupts or disturbs any lawful assembly or meeting of persons;

5. Obstructs vehicular or pedestrian traffic;

6. Congregates with two (2) other persons in a public place and refuses to comply with a lawful order to disperse of a Law Enforcement Officer or other person engaged in enforcing or executing the law; or

7. In a public place urinates or defecates.

75.270. Unlawful Assembly. A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

75.280. Refusal to Disperse. A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

75.290. Obstructing Public Places. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or

building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;

75.300. Disrupting a House of Worship: For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

A person commits the offense of disrupting a house of worship if such person:

1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

75.310. Unlawful Funeral Protests Prohibited. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one hour after the conducting of any actual funeral or burial service at that place.

75.320. Excessive or Unnecessary Noise: It shall be unlawful for any person to make, constitute or cause to make or continue or allow the same to continue for an unreasonable amount of time excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures, the peaceful enjoyment of a reasonable person, or endangers the comfort, repose, health, peace or safety of others within the limits of the City.

Prohibited Acts: The following acts, among others, are deemed to be loud, disturbing, unnecessary noise in violation of this Section, but such a numeration shall not be deemed exclusive:

1. Radios, phonographs and musical instruments. Using, operating or permitting to be played, used or operated any amplifier, radio receiving set, musical instrument, phonograph or other machine or device for the production or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants of reasonable sensitivities. Operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 P.M. and 8:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located or plainly audible to a neighboring inhabitant of reasonable sensitivities, shall be prima facie evidence of a violation of this Section.

2. Construction or repair of buildings. The erection, including excavation, demolition, alteration, or repair, of any building, statue, or other construction project other than between the hours of 6:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on

Saturdays. No construction or repair on commercial properties shall be allowed on Sunday. In the case of urgent necessity and in the interest of public health and safety, the Mayor or, in his absence, the Mayor Pro Tem, may issue a permit for a period not to exceed three (3) days while the emergency continues. The permit may be renewed for periods of three (3) days or less while the emergency continues.

Penalty: Any person violating any of the provisions of this Section shall be deemed guilty of an ordinance violation and, upon conviction thereof shall be punished in accordance with the penalty Sections of this code.

Violations Declared Nuisance: Injunctive Relief. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Section which causes discomfort or annoyance to reasonable persons of normal sensitivities or which endangers the comfort, repose, health or peace of residence in the area shall be deemed and it is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a Court of competent jurisdiction.

75.330. Aggressive Panhandling: It shall be unlawful for any person to enter upon the premises, public or private, or to enter upon public right-of-way, and to solicit, ask for, and/or receive a donation of money or services after having been refused such request, or by any activity that would be in violation of Peace Disturbance section 75.125, Private Peace Disturbance of the Code.

Any person who shall solicit for himself, or others, of any residence or establishment posted "no solicitors" shall be guilty of a misdemeanor

75.340. Improper Conduct Upon Public Property and Trespass:

1. For the purposes of this Section, the following terms, phrases, words, and their derivation shall have the meanings given herein:

- a. City Official - Chief of Police, Mayor, or Director of Public Works of the City of Sarcoxie, or their designee.
- b. Park- A public park, including sidewalks and streets thereby, playground, skating area, pavilion, recreation center, or any other area in the City owned or used by the City and devoted to active or passive recreation.
- c. Vehicle- Any wheeled conveyance, whether motor powered, animal drawn, or self-propelled, the term shall include any trailer in tow of any size, kind, or description, and exception is made for baby carriages and vehicles in the service of the City Parks.

2. Enforcement. The City official is hereby delegated with the authority to enforce the provisions in this Section, including the authority to eject from the Park any person acting in violation of this Section, and shall have the authority to seize and confiscate any property, thing, or device in the Park or used in violation of this Section.

3. Prohibited Acts Relating to Park Property. It shall be unlawful for any person in a Park to mark, deface, disfigure, injure, tamper with or displace or remove any building, bridge, tables, benches, fireplace, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, including signs, notices, placards, whether temporary or permanent, monuments, stakes, posts or other structures or equipment, facilities with Park property or appurtenances whatsoever, either real or personal.

4. Injuries, Removal of Natural Features. It shall be unlawful for any person at any Park to damage, cut, carve, transplant, or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any such person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any way injure or impair the natural beauty or usefulness of any area.

5. Restrooms and Washrooms. It shall be unlawful for any person in a Park to fail to cooperate in maintaining Park restrooms and washrooms in a neat and sanitary condition; no person over the age of four (4) shall use the restrooms and washrooms designated for the opposite sex.

6. Discarding Refuse and Trash. It shall be unlawful for any person in a Park to bring or have brought in or dump, deposit, or leave any bottles, debris or broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste and garbage or refuse, or other trash on Park property, unless such refuse or trash shall be placed in containers provided for such purpose. Where no such receptacles or containers are provided, all such rubbish or waste shall be carried away from the Park.

7. Park Hours. It shall be unlawful for any person in a Park to be in the Park other than during recognized hours of such Park, as established by the Board of Aldermen.

8. Loitering, Disorderly Conduct. It shall be unlawful for any person in a Park to sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or to engage in disorderly conduct or behavior tending to be a breach of the public peace.

9. Expel From Park. Any person, to whom the City Official has reasonable suspicion to believe is in violation of this Section, shall be banned from the Park property until such time as allowed by the Board of Aldermen.

10. Penalty. Any such person shall be so notified by the City Official, in writing, of being banned from the Park, who shall thereafter be found on Park property, shall be, upon conviction, guilty of trespass. Any violation of this Section shall also be a misdemeanor, punishable under Chapter 13 of this Code.

#### ARTICLE VI Offenses Concerning Weapons and Firearms

75.350. Definitions: The following words, when used in this Article, shall have the meanings set out herein:

ANTIQUUE, CURIO OR RELIC FIREARM Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, §5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR 178.11:

1. Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

**Blackjack:** Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

**Blasting Agent:** Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

**Concealable Firearm:** Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

**Deface:** To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

**Detonator:** Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

**Explosive Weapon:** Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

**Firearm:** Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

**Firearm Silencer:** Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

**Gas Gun:** Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellent or temporary incapacitating substance.

**Intoxicated:** Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

**Knife:** Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

**Knuckles:** Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

**Machine Gun:** Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

Projectile Weapon: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

Recklessly or is Reckless: A person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Rifle: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

Short Barrel: A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches

Shotgun: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

Spring Gun: Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

Switchblade Knife: Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

75.360. Unlawful Use Of A Weapons-Carrying Concealed: Use A person commits the offense of unlawful use of weapons if he/she knowingly:

(A)

1. Carries concealed upon or about his/her person, a knife, a firearm (When prohibited by law from carrying a concealed firearm), a blackjack or any other weapon readily capable of lethal use; or
2. Sets a spring gun; or
3. Discharges or shoots a firearm within the City limits; or
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or
7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.

Subsections (A)(1) and (7) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsections (A)(3) and (4) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

A. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article 111 of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

B. Any person whose bona fide duty is to execute process, civil or criminal;

C. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. §44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

D. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

E. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;

F. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

G. Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;

H. Any member of a Fire Department or Fire Protection District who is employed on a fulltime basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

I. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District Chief who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,

2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

Subsections (A)(1), (5) and (7) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(1) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State.

Subsection (A)(7) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm related event or club event. Subsections (A)(1) and (7) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

Subsections (A) (3), (4), (5) and (7) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo. Nothing in this Section shall make it unlawful for a student to actually participate in school sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

75.370. Defacing Firearm: A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

75.380. Unlawful Transfer of Weapons: A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in section 75.185., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

75.390 Carrying Concealed Firearms Prohibited, Penalty for Violation It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm



into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises

3. The facility of any adult or juvenile detention or correctional institution, prison or jail.

Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

A) Any meeting of the City of Sarcoxie Board of Alderman, except that nothing in this Subsection shall preclude a member of the Board of Alderman holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the Board of Alderman of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

B) Any building owned, leased or controlled by the City of Sarcoxie identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Sarcoxie. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;

C) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

D) Any sports arena or stadium with a seating capacity of five thousand (5,000) or more.

Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

E) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

A) If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.

B) If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 13.010 of this Code of Ordinances.

C) Employees of the City of Sarcoxie may, in addition to any other punishment hereby, be subject to disciplinary action.

It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

75.400. Charitable Events: The discharge of firearms in connection with any charitable event may be authorized by the Board of Alderman.

75.410. Prohibition of Discharge of BB Guns and/or Pellet Guns, and/or Air Soft Guns within the City. (Amended by Ordinance 947, Passed and Effective 7/20/10)

A) Any person within the City limits who shall discharge any BB gun and/or pellet gun which expels a projectile bullet or ball by means of a spring, air, or other mean, paint ball gun, gun or expels a pebble, bullet, slug or ball, or other hard substance by means of a sling, crossbow, rubber bank, bow or other means and by doing so, causes property damage or injury to persons or creates in such person a fear, or uses it to cause pain and/or suffering to an animal will be guilty of an ordinance violation and subject to penalty as provided in Chapter 13 of the City Code; and such object may be seized by the police, pending adjudication by the Court.

B) Any parent, guardian, or adult supervising a minor, who knowingly allows said minor to violate this Section, shall also be guilty of an ordinance violation subject to the fines as provided in Chapter 13 of the Sarcoxie City Code.

#### ARTICLE VII Offenses Concerning Property

75.420. Tampering: A person commits the offense of tampering if he/she:

1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
3. Tamper or makes connection with property of a utility; or
4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
  - A) To prevent the proper measuring of electric, gas, steam or water service; or
  - B) To permit the diversion of any electric, gas, steam or water service.

In any prosecution under Subsection (A)(4), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in Subsection (A)(4), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

75.430. Property Damage: A person commits the offense of property damage if he/she:

1. knowingly damages property of another; or
2. Damages property for the purpose of defrauding an insurer.

75.440. Trespass: A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

1. Actual communication to the actor; or
2. Posting in a manner reasonably likely to come to the attention of intruders.

Trespass in an infraction.

75.450. Reckless Burning or Exploding: A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys property or the woodlands, cropland, grassland, prairie, or marsh of another by:

1. Starting a fire or causing an explosion; or
2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

75.460. Stealing: A person commits the offense of stealing if he or she:

1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
4. Any motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.

A person found guilty or pleading guilty to stealing subsection (A) (4) for the theft of motor fuel shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

75.470. Deceptive Business Practice: A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;
4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
5. Makes a false or misleading written statement for the purpose of obtaining property or credit;
6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or
7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
  - A) At the price which he or she offered them;
  - B) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
  - C) At all.

75.480. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner: A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

75.490. Stealing Leased or Rented Personal Property, Enforcement, Procedure, and Penalty Venue A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

1. Purposefully fails to return leased or rented personal property to the

place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;

2. Conceals or aids or abets the concealment of the property from the owner;

3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;

4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 75.230 of this Code in addition to being in violation of this Section.

Venue shall lie in the County where the personal property was originally rented or leased.

**75.500 Passing Bad Checks:** A person commits the offense of passing a bad check when he/she:

1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or

2. Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

As used in Subsection (A) (2) of this Section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

**75.510. Shoplifting - Detention of Suspect by Merchant – Liability Presumption:** Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention

shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

75.520. Library Theft:

1. A person commits the misdemeanor of library theft, if, with the purpose to deprive, he:
  - A) Knowingly removes any library material from the premises of the Library without authorization; or
  - B) Borrows or attempts to borrow any Library material from the Library by use of a Library card:
    - I) Without the consent of the person to whom it was issued; or
    - II) Knowing that the card is revoked, canceled, or expired; or
    - III) Knowing that the Library card is falsely made, counterfeit, or materially altered.
  - C) Borrows library material from the Library pursuant to an agreement or procedure established by the Library which requires the return of such Library material, and with the purpose to deprive the Library of the Library material, fails to return the Library material to the Library to the Library
2. It shall be prima facie evidence of the purpose to deprive the Library of the Library materials if, within ten (10) days after notice, in writing, deposited as certified mail from the Library demanding return of such Library material, he, without good cause shown, fails to return the Library material. A person is presumed to have received the notice required by this Subsection if the Library mails such notice to the last address provided to the Library by such person.
3. Any person convicted of violation of this section shall be guilty of a misdemeanor and shall be punished in accordance with the provision of Chapter 13 of this Code.

75.530. Failure to Pay Personal Property Taxes:

1. It shall be unlawful for any person to knowingly fail to pay personal property taxes of the City of Sarcoxie.
2. A conviction of violation of this Section shall be punishable under Section 13.010 of this Code. At the request of the defendant, the Municipal Court may in lieu of fine, sentence any person convicted under this Section to such hours of community service as the Court deems proper

ARTICLE VIII Offenses Concerning Prostitution

75.540. Prostitution: A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

75.550. Prostitution Houses Deemed Public Nuisances: Any room, building or other structure regularly used for any prostitution activity prohibited by this Article is a public nuisance. The City Prosecuting Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as

the court may determine, not to exceed one (1) year. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any prostitution activity anywhere within the jurisdiction of the court. Appeals shall be allowed from the judgment of the court as in other civil actions.

#### ARTICLE IX Sexual Offenses

75.560. Sexual Misconduct: A person commits the offense of sexual misconduct in the first degree if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

75.570. Halloween, Restrictions on Conduct — Violations: Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:

1. Avoid all Halloween-related contact with children;
2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.

Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

#### ARTICLE X Offenses Concerning Pornography

75.580. Furnishing Pornographic Materials to Minors: A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet, or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.



It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

#### ARTICLE XI Offenses Concerning Drugs

75.590. Possession of Marijuana or Synthetic Cannabinoid: A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.

75.600. Possession of a Controlled Substance: A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.

75.610. Limitations on the Retail Sale of Methamphetamine Precursor Drugs: The retail sale of methamphetamine precursor drugs shall be limited to:

1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches. The penalty for a knowing violation of Subsection (A) of this Section is found in section 569.060, RSMo.

75.620. Unlawful Possession of Drug Paraphernalia: A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

75.630. Inhalation or Inducing Others To Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions: No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

75.640. Inducing, or Possession With Intent To Induce, Symptoms by Use of Solvents and Other Substances, Prohibited: As used in this Section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both. No person shall intentionally or

willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;
2. Ethyl alcohol;
3. Amyl nitrite and its iso-analogues;
4. Butyl nitrite and its iso-analogues;
5. Cyclohexyl nitrite and its iso-analogues;
6. Ethyl nitrite and its iso-analogues;
7. Pentyl nitrite and its iso-analogues; and
8. Propyl nitrite and its iso-analogues.

This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 75.1840 and this Section.

No person shall possess or use an alcoholic beverage vaporizer.

Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

75.650. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited - Violations of Sections 75.1840 to 75.1850 - Penalty: No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 75.1840 and 75.1850 hereof.

Any person who violates any provision of Sections 75.1840 through 75.1860 is guilty of an ordinance violation for the first violation.

#### ARTICLE XII Offenses Concerning Minors

75.660. Curfew for Persons Under Seventeen: It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Sarcoxie between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity. Cross Reference: As to alcohol-related offenses involving minors, §600.060.

Responsibility Of Parent. The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.

Notice to Parent. Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first violation, shall be guilty of an offense.

Service of Notice. The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

75.670. Parental Responsibility: Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.

No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second or successive violation of any offense. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to a penalty as set forth in Section 100.220 of this Code. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

75.680. Purchase or possession by minor, a misdemeanor--container need not be opened and contents verified, when--burden of proof on violator to prove not intoxicating liquor:

1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 75.010 or who is visibly intoxicated as defined in section 75.010, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container

describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

ARTICLE XIII Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

75.690.        Definitions. For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT: Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

CENTER OF YOUTH ACTIVITIES: Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

DISTRIBUTE: a conveyance to the public by sale, barter, gift or sample.

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

VAPOR PRODUCT: Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

**VENDING MACHINE:** Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

**75.700. No Tobacco Sales to Minors — Alternative Nicotine Products, Vapor Products and Nicotine Liquid Containers — Sale to Minors Prohibited:** Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed CITY CODE CHAPTER 75 6/6/2017 Page 50 of 54 a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.

**Nicotine Liquid Containers — Regulations.**

1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
2. For the purposes of this Subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

**75.710. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age:** No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an

employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, and alternative nicotine products or vapor products. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

75.720. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products: No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license

75.730. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 —Display of Sign Required, Where: The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:

1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:
  - A. IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and
  - B. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

75.740. Restrictions on Sales of Individual Packs of Cigarettes: No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

75.750. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof — Liability: A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or

recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.