

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240337

Amending Chapter 50, Code of Ordinances, by repealing Section 50-274 relating to failure to report a stolen or lost deadly weapon or explosive.

WHEREAS, the Council enacted Code of Ordinances Section 50-274 because stolen or lost deadly weapons raise the concern that they will be improperly or illegally used in a dangerous manner that presents a threat to the public safety and the reporting of stolen or lost deadly weapons can help reduce their illegal trafficking and can assist the police in investigations that involve a deadly weapon or explosive; and

WHEREAS, the Missouri General Assembly limits the City's ability to regulate firearms, including by occupying and preempting the field in Section 21.750, RSMo; and

WHEREAS, the City maintains the ability to regulate firearms in limited circumstances, and has a number of ordinances meant to ensure the safety of its citizens while staying within the boundaries of state law; and

WHEREAS the Kansas City Police Department ("KCPD") has sole authority to enforce these ordinances, and is solely responsible for ensuring that they have their intended effect; and

WHEREAS, KCPD has expressed discomfort with enforcing City firearms ordinances based on concerns that some City ordinances may be invalid under Missouri law, and has specifically identified Code of Ordinances Section 50-274 as an ordinance that may be invalid; and

WHEREAS, the City has reviewed its Code of Ordinances and believes that concerns about the validity of Section 50-274 may be well-founded; and

WHEREAS, the City wishes to remove any doubts about the validity of its firearm ordinances so that KCPD may fully enforce the entire Code of Ordinances; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing the following Section 50-274 relating to weapons:

Sec. 50-274. Failure to report a stolen or lost deadly weapon or explosive.

~~(a) Failure to report a stolen or lost deadly weapon or explosive. A person commits the unlawful failure to report a stolen or lost deadly weapon or explosive if the person owns a deadly~~

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weapon or explosive and knowingly fails to report the theft or loss of such weapon or explosive to the ~~Kansas City Police Department~~ police department within ~~seventy two~~ 72 hours of the time such person knew or should have known the weapon or explosive has been stolen or lost.

~~(b) Definitions.~~

(1) ~~(1)~~ ~~“Deadly weapon”~~ as used in this section shall have the same definition as found in ~~section RSMo § 556.061 of the Revised Statutes of Missouri.~~

(2) ~~(2)~~ ~~“Explosive”~~ as used in this section shall have the same definition as found in ~~section RSMo § 319.303 of the Revised Statutes of Missouri.~~

(c) ~~Violation.~~ A person violating this section shall be guilty of an ordinance violation.

Approved as to form:

Alan Holtkamp
Senior Associate City Attorney

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