

240502

ORDINANCE NO. TMP-4389

Amending Chapter 38, Code of Ordinance, Civil Rights, by repealing and replacing Section 38-61, for the purpose of including an additional ordinance violation in that list of ordinance violations subject to certain reporting requirements and possible sentence enhancement; and directing the City Manager to engage the Kansas City Police Department to coordinate training regarding the hate offense enhancement penalty.

WHEREAS, in January of this year, the City Council enacted Ordinance No. 231032, as amended, establishing a sentence enhancement for certain ordinance violations motivated by bias; and

WHEREAS, the City Council seeks to ensure offenses that are motivated by bias or hatred are subject to the enhancement penalty; and

WHEREAS, the City Council believes coordination between the Municipal Court Prosecutor's Office and the Kansas City Police Department will provide for better enforcement of the sentence enhancement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 38, Code of Ordinance of Kansas City, Missouri, is hereby amended by repealing Section 38-61, Reporting responsibility, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**Sec. 38-61. Reporting responsibility.**

(a) *Purpose.* The police department of the city shall collect and maintain information relating to alleged crimes and ordinance violations occurring within the city in which the evidence of the offense indicates it was motivated by bigotry or bias related to the race, religion, sexual orientation or ethnicity of individuals or groups. For purposes of this section the following crimes and ordinance violations contained in the Code of Ordinances are included:

- (1) Section 1-17(d) General penalty; continuing violations;
- (2) Section 50-9, Stalking;
- (3) Section 50-102, Trespass generally;
- (4) Section 50-121, Tampering with or damaging property of another;
- (5) Section 50-124, Institutional vandalism;
- (6) Section 50-125, Defacing property with aerosol paint and like materials;

240502

- (7) Section 50-159, Harassment;
- (8) Section 50-164, Disorderly conduct;
- (9) Section 50-167, Disturbing the peace;
- (10) Section 50-168, Bodily injury—Attempting;
- (11) Section 50-169, Same—Inflicting;
- (12) Section 50-170, Assault on persons or on route to or from school premises; disturbing school activities;
- (13) Section 50-171, Aggravated trespass;
- (14) Section 50-261, Unlawful use of weapons—generally;
- (15) Section 64-11, Throwing missiles;
- (16) Section 64-12, Throwing objects from buildings.

Section 2. That the City Manager is directed to engage the Kansas City Police Department to coordinate training to ensure effective enforcement of the hate offense sentence enhancement and to provide a report back to the Finance, Governance, and Public Safety Committee regarding the implementation of the sentence enhancement within 45 days.

Approved as to form:

Andrew Bonkowski  
Assistant City Attorney



Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JUN 13 2024

Date Passed