

GENERAL

Ordinance Fact Sheet

140560

Ordinance Number

Brief Title	Approval Deadline
Prohibit open carry of weapons	

<p>Details</p> <p>Reason for Legislation</p> <p>The ordinance will exercise the authority still remaining with local governments to prohibit the open carry of firearms or other weapons capable of lethal force.</p> <p>This ordinance will enact changes in the Missouri statutes because the General Assembly requires consistency between state and local laws with respect to certain activities. The ordinance will exercise the</p> <p>Discussion (including relationship to other Council actions)</p> <p>Missouri statutes impose the following requirement on local regulation of firearms that local regulations conform to Missouri statutes, except that local governments may regulate the open carry and discharge of firearms within the local government's boundaries:</p> <p>Sec. 21.750.3, RSMo: Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070 with appropriate penalty provisions, <i>or which regulates the open carry of firearms readily capable of lethal use</i> or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243 [Hunting Heritage Protection Areas Act].</p> <p>This ordinance will prohibit the open carry of firearms or other weapons readily capable of lethal use within the City limits. Exceptions to this rule will apply, generally, for some people involved in law enforcement activities. An exception would also apply if a person who is lawfully carrying a concealed weapon displays the weapon in an act of lawful defense.</p> <p>Additionally, this ordinance will bring section 50-261 of the code of ordinances into compliance with the state statute in two respects. First, the General Assembly has changed the law to allow intoxicated persons to carry weapons. This was previously forbidden and the City's ordinances reflected that rule. The General Assembly has allowed intoxicated persons carrying weapons to be prosecuted and punished if the weapon</p>

<p>Reason</p> <p>To exercise the authority granted by the General Assembly to local governments to regulate the open carry of weapons</p>															
<p>Positions/Recommendation</p> <table border="1"> <tr> <td>Sponsor</td> <td>Mayor Sylvester "Sly" James</td> </tr> <tr> <td>Programs, Departments or Groups Affected</td> <td>KCPD</td> </tr> <tr> <td>Applicants/ Proponents</td> <td>Applicant City Department Other</td> </tr> <tr> <td>Opponents</td> <td>Groups or Individuals Basis of Opposition</td> </tr> <tr> <td>Staff Recommendation</td> <td> <input type="checkbox"/> For <input type="checkbox"/> Against Reason Against </td> </tr> <tr> <td>Board or Commission Recommendation</td> <td> By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions) </td> </tr> <tr> <td>Council Committee Actions</td> <td> <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass </td> </tr> </table>		Sponsor	Mayor Sylvester "Sly" James	Programs, Departments or Groups Affected	KCPD	Applicants/ Proponents	Applicant City Department Other	Opponents	Groups or Individuals Basis of Opposition	Staff Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against Reason Against	Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)	Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass
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Details

is handled in a negligent or unlawful manner, or is discharged. The State of Missouri gives local governments no discretion to forbid an intoxicated person the ability to carry a weapon.

Second, the General Assembly modified the rules applicable to retired law enforcement officers and their ability to carry a weapon. The ordinance will update the ordinance to match the statute.

Is it good for the children?

This legislation will prohibit the open carry of firearms and other weapons in the City. It has recently been shown in other cities that persons engaging in "aggressive open carry" can cause public disturbances. Gun education learned on the streets of a city is not good for children or others. Responsible gun education and use is best learned from persons properly trained in the use of firearms, and not from those who may choose to stretch the limits of responsible gun ownership.

How does this contribute to a sustainable Kansas City?
This ordinance does not address the sustainability efforts of the City.

Policy / Program Impact

Policy or Program Change	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
	This ordinance will implement the discretion granted to the City by the State of Missouri, and heretofore not exercised.
Operational Impact Assessment	There is no operational impact.

Finances

Cost & Revenue Projections	Cost of Legislation <u>None</u>
	Increase/Decrease in Revenue Expected Annually
Fund Sources	

(Use this space for further discussion, if necessary)

Applicable Dates

Fact Sheet prepared by: William Geary, City Attorney

Reviewed by:

Reference Numbers