



Legislation Text

File #: 220387, Version: 2

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220387

Amending Chapter 50, Code of Ordinances, by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and amending Chapter 70, Code of Ordinances, by repealing Section 70-73, Obedience to authorized persons directing traffic, and enacting in lieu thereof new sections of like number and subject matter.

WHEREAS, to clarify the culpable mental state needed to prove a violation of Section 50-44; and to exempt from a violation under such section any person witnessing or documenting the actions of a public safety officer, employee or inspector, so long as they do not “substantially and physically” hinder official duties being performed; and

WHEREAS, to clarify in Section 70-73 that merely witnessing or documenting an officer in the performance of their official duties shall not be a violation unless such act substantially and physically impedes “any” officer from official duties; 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 Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

Sec. 50-44. Obstructing or resisting public safety officer, employee or inspector.

(a) Any person who shall in any way or manner purposely hinder, obstruct, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any firefighter or other fire suppression employee, fire prevention inspector, emergency medical service provider, paramedic, health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, in the discharge of their official duties shall be guilty of an ordinance violation. A person shall not be charged with a violation under this section if they are witnessing or documenting (by video or otherwise) the actions of any of the aforementioned individuals in the discharge of their official duties unless such act of witnessing or documenting (by video or otherwise) substantially and physically hinders, obstructs, molests, resists or otherwise interferes with the official duties being performed.

(b) A person who shall attempt to prevent any officer of the city police department or any other member of any other law enforcement agency or police force from arresting any person, or shall attempt to rescue any person in the custody of any officer of the city police department or any other member of any other law enforcement agency or police force, or from anyone called to assist the police or other law enforcement officer, shall be guilty of an ordinance violation.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 70-73, Obedience to police and fire department officers, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

Sec. 70-73. Obedience to authorized persons directing traffic.

No person shall purposely fail or refuse to comply with a lawful traffic direction given by voice, hand, or other signal by any police officer, parking control officer, firefighter or uniformed adult school crossing guard with authority to direct, control, or regulate traffic. The term "traffic direction" shall not include any order or direction that prevents or impedes the witnessing or documenting (by video or otherwise) of the actions of any officer, firefighter or crossing guard unless such act of witnessing or documenting substantially and physically impedes any officer, firefighter or crossing guard from official duties. In no event shall a person be charged with violating this section unless such person is actually impeding or interfering with traffic.

Approved as to form and legality:

Bret Kassen
Associate City Attorney