



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: October 16, 2017

Re: Amending Chapters 1, 14, 15, and 16 to Update Penalty Provisions to be in Compliance with Statutory Changes Enacted by the Missouri Legislature and Missouri Supreme Court

## Executive Summary

An ordinance has been prepared to amend Chapters 1, 14, 15 and 16 of the City Code to update penalty provisions to be consistent and in conformance with state law. The changes also correct out-of-date language in those chapters.

## Discussion

In order to ensure penalties for minor traffic violations are not an impediment to individual success, the legislature in the State of Missouri has placed limits on what municipalities can assess as penalties. The Municipal Court and Prosecutor have not imposed or sought the imposition of penalties in excess of the range allowed by state law, but the current city code still reflects the old ranges of punishments and needs to be amended to comply with statutory limitations.

Currently, Section 1-8 of the Columbia Code of Ordinances applies to all offenses in the Code that do not already have a specified penalty, which includes the majority of traffic violations in Chapter 14. The proposed amendments would clarify which offenses are subject to the new statutory limitations and the extent of those limitations.

An amendment to Section 15-24 is necessary to reflect changes to Missouri Supreme Court Rule 37.65 limiting the use of jail time for certain offenses. The proposed amendment to Section 15-24 will codify those limitations and make the Columbia Code of Ordinances consistent with both state law and court rule related to the use of jail time for certain offenses.

Currently, the majority of offenses contained within Chapter 14 are punishable under Section 1-8 of the City Code. The most serious of these offenses are driving while intoxicated and driving with an excessive blood alcohol concentration. These offenses are not affected by the legislative changes to minor traffic violations; however, the current penalty scheme is not consistent with state law. The proposed amendments to Sections 14-612 and 14-613 classifies them as a Class B misdemeanor and would make the penalty range consistent with statutory penalties for the same offense.

Lastly, the Missouri legislature recently enacted extensive revisions to the Missouri criminal code. A portion of these revisions included updating the penalties for various misdemeanors and infractions. The penalty sections contained in Chapter 16 have not been updated since 1964. The City Code classifies its offenses to coincide with similar provisions contained in the



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Missouri Revised Statutes and the penalties for these offenses need to be consistent with state law. The proposed amendments to Sections 16-31, 16-41, 16-42, 16-43, 16-66, 16-67, 16-68, and 16-69 not only create consistency in the sentencing provisions, but also update the language and terms used throughout these sections.

## Fiscal Impact

Short-Term Impact: There would be no cost impact to the City as the penalties currently assessed are already within the specific limitations.

Long-Term Impact: Not applicable.

## Strategic & Comprehensive Plan Impacts

### Strategic Plan Impacts:

Primary Impact: Social Equity, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Passage of the ordinance to amend Chapters 1, 14, 15, and 16 of the City Code.