



WILDWOOD

MEMORANDUM

To: Board of Public Safety

From: Rick Brown, Director of Public Works / City Engineer

Date: February 4, 2020

Re: Consideration of Modifications to Domestic Assault Bill #2537

At the December 9, 2019 meeting of the City Council, Bill #2537 was introduced for the consideration of the City Council (See attached). Bill #2537, as prepared, would amend the Wildwood Code of Ordinances by adding the offense of domestic assault. After discussion of the bill by the City Council, a motion was passed to refer the bill to the Board of Public Safety for additional review. Therefore, the Board is requested to review the bill and consider whether additional enhancements or modifications to the bill, which would further support victims of domestic violence, are necessary.

Captain Mundel, City Attorney John Young and I will be available for discussion of this item at the February 6, 2019 Board of Public Safety meeting.

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 210 OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD BY ENACTING A NEW SECTION 210.025; AND PROVIDING FOR THE OFFENSE OF DOMESTIC ASSAULT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. That Article II of Chapter 210 of the Code of Ordinances of the City of Wildwood, be and is hereby amended by enacting a new Section 210.025, to read as follows:

Section 210.025 Domestic Assault – Prohibited.

- A. A person commits the offense of domestic assault if the act involves a domestic victim, and:
 - 1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
 - 2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
 - 3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
 - 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
 - 5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
 - 6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

- B. *Definitions.* For the purpose of this Section, the following words shall have the meanings ascribed to them herein:

CHILD

Any person under seventeen (17) years of age.

DOMESTIC VICTIM

A family or household member as the term “family or household member” is defined in this Section, including any child who is a member of the household or family.

FAMILY or HOUSEHOLD MEMBER

Includes:

1. Current or former spouses;
2. Persons who are presently residing together or have resided together in the past;
3. Persons who are engaged in or who have engaged in a continuing social relationship of a romantic or intimate nature;
4. Persons who are engaged in or who have engaged in a sexual relationship;
5. Any person related by blood or adoption;
6. Any person related or formerly related by marriage; and
7. Anyone who has a child in common regardless of whether they have been married or have resided together at any time.

Section Two. Effective Date. This ordinance shall be in full force and effect on and after its passage and approval.

Section Three. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

Section Four. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

This Bill was passed and approved this ____ day of _____, 20 __, by the City Council of the City of Wildwood, Missouri, after having been read by title, or in full, two (2) times prior to its passage.

Presiding Officer

The Honorable James R. Bowlin, Mayor

ATTEST:

ATTEST:

City Clerk

City Clerk