

BILL NO. 20-004

ORDINANCE NO. 4822

FIRST READING 02.18.2020

SECOND READING 03.03.2020

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING SECTION 16-232,
ARTICLE VII. OFFENSES AGAINST GOVERNMENT, RESISTING OR INTERFERING
WITH ARREST OF THE REVISED CODE OF ORDINANCES OF
THE CITY OF HANNIBAL**

WHEREAS, the City Council has determined that Ordinance 16-232 is based upon Missouri Revised Statute 575.150, and

WHEREAS, said statute was amended in 2005, 2009 and 2014, and certain language contained therein has changed.

NOW THEREFORE, to ensure that their ordinance remains lawful and in compliance with State Law, the City Council makes the following amendment to Chapter 16 of the ordinances of the City of Hannibal:

SECTION ONE: Section 16-232, Article VII, OFFENSES AGAINST GOVERNMENT, is hereby amended as follows:

Sec. 16-232. – Resisting or interfering with arrest.

1. As used in this section, the term "law enforcement officer" includes city code enforcement officers and city animal control officers.
2. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:
 - a. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 - b. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
3. This section applies to:
 - a. Arrests, stops, or detentions, with or without warrants;
 - b. Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and
 - c. Arrests for warrants issued by a court or a probation and parole officer.

4. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.
5. It is no defense to a prosecution pursuant to this section that the law enforcement officer was acting unlawfully in making the arrest; however, nothing in this section shall be construed to bar civil suits for unlawful arrest.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 3rd day of March, 2020.

Approved this 3rd day of March, 2020.



James R. Hark
James R. Hark, Mayor

ATTEST:

Angelica N. Zerbonia, MRCC, CMO
Angelica N. Zerbonia, MRCC, CMO - City Clerk