

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 12.01.003 OF THE INDEPENDENCE CITY CODE TO ADD THE PHRASES SEXUAL ORIENTATION AND GENDER IDENTITY TO 12.01.003(C).

WHEREAS, the safety and welfare of all citizens of and visitors to the City of Independence has been identified as a priority; and,

WHEREAS, a change to the City Code to enhance the penalty when a defendant is found guilty of the offense of Assault when the offense is found to have occurred with the intent to intimidate another person by reason of sexual orientation or gender identity is desirable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Section 12.01.003 of the Independence City Code is hereby amended to read as follows:

SEC. 12.01.003 – Assault

- A. A person commits the crime of assault if (1) that person attempts to cause or recklessly causes physical injury to another person; or (2) with criminal negligence, causes physical injury to another person by means of a deadly weapon or dangerous instrument; or (3) purposely places another person in apprehension of immediate physical injury; or (4) recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or (5) knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.
- B. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if (1) the physical injury consented to or threatened by the conduct is not serious physical injury; or (2) the conduct and the harm are reasonably foreseeable hazards of (a) the victim's occupation or profession; or (b) joint participation in a lawful athletic contest or competitive sport; or (3) the consent established a defense of justification.
- C. No person shall intentionally commit any of the acts described in subsection (A) above with the intent to intimidate another person by reason of race, ancestry, religion, color, sex, **sexual orientation, gender identity**, marital status, age, national origin, or handicap.
- D. Any person found guilty of a violation of subsection (A) above shall be subject to a fine of up to \$500.00 and to incarceration for a term not to exceed six months, except if a person is convicted under provision (3) or (5) of subsection (A) above, the maximum term of incarceration shall be 15 days and the maximum fine shall be \$300.00. Any person found guilty of a violation of

subsection (C) shall be subject to a fine of not less than \$300.00 and incarceration for a term not less than 15 days.

SECTION 2. That all other parts and provisions of the City Code remain in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

Acting City Counselor

REVIEWED BY:

City Manager

NOTE: Text being eliminated by this ordinance is lined through and text being added by this ordinance is bolded and underscored.