

BILL NO. 98-2ORDINANCE NO. 168

AN ORDINANCE ENACTING A NEW SECTION TO THE CODE OF THE CITY OF FOLEY, MISSOURI RELATING TO THE OFFENSE OF ASSAULTING A LAW ENFORCEMENT OFFICER AND PROVIDING PENALTIES THEREFOR

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

SECTION NO.1. THERE IS HEREBY ENACTED A NEW ORDINANCE OF THE CITY OF FOLEY, MISSOURI AS FOLLOWS:
ASSAULT OF A LAW ENFORCEMENT OFFICER.

1. A PERSON COMMITS THE OFFENSE OF ASSAULT OF A LAW ENFORCEMENT OFFICER IF:

- (1) HE ATTEMPTS TO CAUSE OR RECKLESSLY CAUSES PHYSICAL INJURY TO A LAW ENFORCEMENT OFFICER; OR
- (2) WITH CRIMINAL NEGLIGENCE HE CAUSES PHYSICAL INJURY TO A LAW ENFORCEMENT OFFICER BY MEANS OF A DEADLY WEAPON; OR
- (3) HE PURPOSELY PLACES A LAW ENFORCEMENT OFFICER IN APPREHENSION OF IMMEDIATE PHYSICAL INJURY; OR
- (4) HE RECKLESSLY ENGAGES IN CONDUCT WHICH CREATES A GRAVE RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO A LAW ENFORCEMENT OFFICER; OR
- (5) HE KNOWINGLY CAUSES OR ATTEMPTS TO CAUSE PHYSICAL CONTACT WITH A LAW ENFORCEMENT OFFICER WITHOUT THE CONSENT OF THE LAW ENFORCEMENT OFFICER; OR
- (6) HE KNOWINGLY CAUSES PHYSICAL CONTACT WITH A LAW ENFORCEMENT OFFICER KNOWING THE LAW ENFORCEMENT OFFICER WILL REGARD THE CONTACT AS OFFENSIVE OR PROVOCATIVE.

SECTION NO. 2 APPLICABILITY. IT SHALL BE UNLAWFUL WITHIN THE CITY LIMITS OF THE CITY OF FOLEY, MISSOURI TO COMMIT THE OFFENSE OF ASSAULT OF A LAW ENFORCEMENT OFFICER.

SECTION NO. 3. PENALTY. ANY PERSON FOUND GUILTY OF VIOLATING THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR PUNISHABLE BY ~~AND IN ACCORDANCE WITH THE ORDINANCES OF THIS CITY.~~ *A Fine not to Exceed \$500.00 or Imprisonment in the Lincoln Co. Jail not to exceed 90 days or both* Such fine & imprisonment

SECTION NO. 4. 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 BOARD OF ALDERMEN 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 IN THE EVENT OF A SUBSEQUENT CHANGE IN APPLICABLE LAW SO THAT THE PROVISION WHICH HAD BEEN HELD INVALID IS NO LONGER VALID, SAID PROVISION SHALL THEREUPON RETURN TO FULL FORCE AND EFFECT WITHOUT FURTHER ACTION BY THE CITY AND SHALL THEREAFTER BE BINDING.

SECTION NO. 5 EFFECTIVE DATE THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER THE DATE OF ITS FINAL PASSAGE AND APPROVAL.

SECTION NO.6. SAVINGS.

NOTHING CONTAINED HEREIN 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 ANY MANNER CONNECTED WITH THE SUBJECT MATTER HEREOF.

READ TWO TIMES AND PASSED THIS 18th DAY OF March, 1998.

Sheresa Johnston
PRESIDING OFFICER

ATTEST: *Sylvia Collier*
CITY CLERK

APPROVED THIS 18th DAY OF March 1998.

Sheresa Johnston
MAYOR

ATTEST: *Sylvia Collier*
CITY CLERK

