



INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

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**AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES REGARDING SEXUAL OFFENSES.**

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**WHEREAS**, recent amendments to state laws regarding sexual offenses necessitate changes in City ordinances (SB 775 2022),

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. New Sections 17-140 and 17-141 are hereby adopted and Section 17-138 of the Code of Ordinances of the City of Ballwin is hereby amended, to read as follows:

Section 17-138.- Additional Restrictions On Certain Offenders.

(a) Not to Be Present Within Five Hundred (500) Feet of School Property, Exception — Permission Required for Parents or Guardians Who Are Offenders, Procedure. Any person who has been found guilty of:

(1) Since 2006 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

(2) Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; or

(3) Since 2022 violating RSMo. Section 573.037 Possession of Child Pornography:

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (b) of this Section.

(b) No parent, legal guardian or custodian who has been found guilty of violating any of the

offenses listed in Subsection (a) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

(c) Certain Offenders Not to Be Present or Loiter Within Five Hundred (500) Feet of A Public Park or Swimming Pool, Athletic Complex or Museum.

(1) Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; or

(2) any person who, since 2022, has been found guilty of violating Section 573.037 Possession of Child Pornography:

shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool, athletic complex, or athletic fields if such facilities exist for the primary use of recreation for children, or any museum with the primary purpose of entertaining or educating children under eighteen (18) years of age.

(d) Enticement of A Child.

(1) No person twenty-one (21) years of age or older shall persuade, solicit, coax, entice, or lure, whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.

(2) It is not a defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

(e) Age Misrepresentation. No person shall knowingly misrepresent his or her age with the intent to use the Internet or any electronic communication to solicit engagement in sexual conduct involving a minor.

(f) Certain Offenders Not to Serve as Athletic Coaches, Managers or Trainers.

(1) Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., as it existed prior to January 1, 2017, or Section 573.200, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017, or Section 573.205, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; or

(2) Any person who, since 2022, has been found guilty of violating Section 573.037 Possession of Child Pornography;

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member and in the case of violations of the foregoing after 2022 shall not supervise or employ any child under eighteen (18) years of age.

**Section 17-140.- Promoting or Patronizing Sexual Performance By A Minor.**

(a) A person commits the offense of promoting a sexual performance by a minor if, knowing the character and content thereof, the person promotes a performance which includes sexual conduct by a person less than eighteen (18) years of age or produces or directs any performance which includes sexual conduct by a person less than eighteen (18) years of age.

(b) A person commits the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age.



Bill No. 4149

Ordinance No. 22-

Section 17-141.- Enabling Sexual Exploitation of a Minor

A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of Sections 210.504 or 210.505.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*