



DATE: Tuesday, October 6, 2026
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: Adoption of the 2026 Uniform Public Offense Code Ordinance, 42nd Edition

Background: The Uniform Public Offense Code (UPOC) has been published by the League of Kansas Municipalities (LKM) since 1980 and contains approximately 100 public offenses that may be adjudicated in municipal court and provides standardized municipal public offenses for Kansas cities. It incorporates changes enacted by the Kansas Legislature, along with editorial revisions made by the LKM. In recent years, the City has adopted the updated UPOC by reference while preserving provisions unique to the City.

Discussion: The following sections were added, amended, or removed in the 42nd Edition of the UPOC, published in 2026.

Definitions: (AMENDED)

The definitions of “Cardholder” and “Financial Card” were amended.

Definitions: (NEW)

New definitions were added for “Closed-Loop Gift Card,” “First Responder,” “Feral Cats,” “Gift Card,” “Gift Card Issuer,” “Gift Card Redemption Information,” “Gift Card Seller,” “Grain,” “Hay,” “Implement of Husbandry,” “Livestock,” and “Open-Loop Gift Card.” (NEW)

Section 3.1.1: Domestic Battery (AMENDED)

This section is amended to reflect changes to the domestic battery statute. For a first conviction, a domestic violence offender assessment is required as a condition of probation, suspension of sentence, parole, or other release, unless otherwise ordered by the court.

For a second conviction within 5 years, the amendment increases the required period of imprisonment before probation, suspension or reduction of sentence, parole, or other release from 5 days to 20 days. The amendment also requires that a person convicted of a second offense serve at least 20 days before participating in a work release program, subject to the statutory requirements governing work release.

Section 3.5.1: Unlawful Approach to a First Responder (NEW)

This new section establishes the offense of unlawful approach of a first responder. The offense generally prohibits knowingly approaching or remaining within 25 feet of a first responder performing official duties after receiving a visual or audible signal not to approach or remain within that distance, when the conduct causes the first responder to be distracted or increases the first responder’s concern about physical harm or property damage. This offense is classified as a Class B person misdemeanor.

Section 6.1: Theft (AMENDED)

This section is amended to add three categories of felony theft: 1) theft of a motor vehicle valued at least \$500 but less than \$1500 is a severity level 10 nonperson felony; 2) theft of livestock or an implement of husbandry is a severity level 5 nonperson felony; and 3) theft of grain or hay is a severity level 6 nonperson felony. Because these offenses are felonies, municipal court has no jurisdiction to adjudicate these offenses, and matters involving conduct that constitutes one of these felony offenses should be referred to the appropriate prosecuting authority.

Section 6.17: Criminal Use of a Financial Card or Gift Card (AMENDED)

This section is expanded to include certain criminal conduct involving gift cards. In addition to the existing prohibited uses of financial cards, the amendment makes it unlawful, with intent to defraud and obtain money, goods, property, or services, to 1) acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder, gift card issuer, or gift card seller or 2) alter or tamper with a gift card.

Section 10.1.1: Criminal Carrying of a Weapon (AMENDED)

Subsections (b) and (c) are reorganized to conform to the structure of the corresponding Kansas statute.

Section 11.11: Cruelty to Animals (NEW)

This section is expanded to providing that certain portions of the crime of cruelty to animals do not apply to any person who catches a feral cat to provide vaccination, spaying or neutering and returns such cat back to the location where such cat is caught.

Section 4.5 Buying Sexual Relations (REMOVED)

This section was removed because this offense is now classified as a severity level 9, person felony, under state law and is no longer necessary as a UPOC offense.

Financial Considerations: Other than the cost of purchasing the 42nd Edition of the UPOC, no additional costs to the City are anticipated.

Legal Considerations: State law permits cities to incorporate published codes by reference through an adopting ordinance. The City Attorney has prepared the proposed ordinance, which incorporates the 2026 UPOC (42nd Edition) into the City's public offense regulations.

Recommendation/Actions: It is recommended that City Council adopt the proposed ordinance

Attachments: Proposed ordinance