

Chapter 11.20
CRIMES AFFECTING THE ADMINISTRATION OF JUSTICE

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11.20.010 Resisting Arrest.

“Resisting arrest” is knowingly and intentionally obstructing, resisting, opposing or interfering with a law enforcement officer while such officer is engaged in making an arrest.

(History: Ord. POC-625 §11, 72)

11.20.030 Escape from Custody.

"Escape from custody" is escaping while held in lawful custody on a charge or conviction of a public offense. As used in this section "escape" means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court.

As used in this section "custody" means arrest, detention in a facility for holding persons charged with or convicted of crimes, detention for extradition or deportation, detention in a hospital or other facility pursuant to court order or imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; or any other detention for law enforcement purposes. "Custody" does not include general supervision of a person on probation or parole or constraint incidental to release on bail.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. (KSA 21-3809)

(History: Ord. POC-1381 §4, 86; POC-625 §44, 72; POC-598 §37; PO-84 §29 & 30)

11.20.040 Failure to Appear.

"Failure to appear" is intentionally incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days following the date of such forfeiture by one who is charged with a public offense, has been released on bond for appearance before the municipal court of this city for trial or other proceeding prior to conviction, or intentionally incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days after his conviction of a public offense has become final by one who has been released on an appearance bond by any court. Any person who is released upon his own recognizance, without surety, or who fails to appear in response to a summons or traffic citation, is a person released on bond for appearance within the meaning of this section. The provisions of this section do not apply to any person who forfeits a cash bond supplied pursuant to law or city ordinance upon an arrest for a traffic offense.

(History: Ord. POC-1801 §12, 93; POC-625 §45, 72)

11.20.045 Failure to Comply with Traffic Citation.

"Failure to comply with a traffic citation" means failure to either (a) appear before the municipal court of this city in response to a traffic citation and pay in full any fine and court costs, if any, imposed; or: (b) otherwise comply with a traffic citation.

(History: Ord. POC-1381 §4, 86; POC-625 §45; POC-598 §38)

11.20.050 Falsely Reporting Public Offense.

"Falsely reporting a public offense" is informing a City law enforcement officer, Community Service Aide, or any other person designated the responsibility of receiving information concerning public offenses, that a public offense has been committed, knowing that such information is false and intending that said officer or person shall act in reliance upon such information.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. (KSA 21-3818)

(History: Ord. POC-1769 §1, 92; POC-1381 §4, 86; POC-625 §46, 72; POC-598 §40)

11.20.060 Obstructing legal process or official duty.

"Obstructing legal process or official duty" is knowingly and willfully obstructing, resisting or opposing any person authorized by federal law, state law or city ordinance to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, administrative agency, body, person or office having authority to so act in compliance with federal, state or city laws, ordinances or regulations or in the discharge of any official duty provided that the mere utterance of oral communication, verbal expression or other forms of vocalizing the spoken word shall not be unlawful unless said utterance rises to the level of "fighting words." Fighting words are those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. (KSA 21-3808)

(History: Ord. POC-1435 §1, 87; POC- 1381 §4, 86; POC-625 §43, 72; POC-598 §53 & 40, 70)

11.20.065 Interference: Administration of Justice.

- A. Interference with the administration of justice is communicating in any manner a threat of violence to any judicial officer or any prosecuting attorney, or harassing a judicial officer or prosecuting attorney by repeated vituperative communication, or picketing, parading or demonstrating in or near a building housing a judicial officer or prosecuting attorney, or near such officer's residence or place of abode with intent to influence, impede or obstruct the finding, decision, ruling order, judgment or decree of such judicial officer or prosecuting attorney on any matter then pending before the officer or prosecuting attorney.
- B. As used in this section, the term "prosecuting attorney" has the meaning ascribed thereto in K.S.A. 22-2202 and amendments thereto.
- C. Nothing contained in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt. (K.S.A. 21-3816 as amended).

(History: Ord. POC-1986 §5, 96; POC-598 §39)

11.20.070 Unlawful Failure to Report Wound.

"Unlawful failure to report a wound" is the failure by an attending physician or other person to report his treatment of any wound, described in subsections 1 and 2 hereafter, to the office of chief of police:

- 1. Any bullet wound, gunshot wound, powder burn or other injury arising from or caused by the discharge of a firearm; or
- 2. Any wound which is likely to or may result in death and is apparently inflicted by a knife, ice pick, or other sharp or pointed instrument.

(History: KSA 21-4213; Ord. POC-625 §69, 72)

11.20.080 Unlawful Interference with Law Enforcement Officer.

"Unlawful interference with a law enforcement officer" is:

- A. Knowingly and intentionally obstructing, interfering with or impeding the efforts of any City law enforcement officer to reach the location where a public offense has been committed or a public offender is present; or
- B. Knowingly and intentionally giving false information to any City law enforcement officer with the intent of concealing the actual identity, age, date of birth, or address of the person about whom the law enforcement officer seeks the information, or with the intent of concealing the facts of a public offense, and with the intent that a law enforcement officer shall act in reliance upon such information.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment.

(History: Ord. POC-2405 §1, 2002; POC-1435 §2, 87; POC-1381 §4, 86; POC-924 §1, 77; POC-625 §10, 72; PO-84 §51 & 52)

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11.20.085 Law Enforcement Canines and Arson Canines.

All canines used by the City Police Department or Fire Departments, whether owned, leased, rented or borrowed for the purpose of aiding law enforcement officers in their duties shall be considered the property and responsibility of the police department canine unit or the fire department canine unit and shall be designated law enforcement canines or arson canines.

- A. It is unlawful for any person to strike, hit, beat, abuse, harass, tease, assault, injure or kill any law enforcement canine or arson canine whether the canine is being used in an official capacity or not.
- B. It is unlawful for any person to interfere or attempt to interfere with a law enforcement canine or its handler or arson canine or its handler in such a manner as to inhibit, restrict or impede the canine in accomplishing its law enforcement or arson detecting purpose or the canine handler in the control of the canine.
- C. Anyone convicted of a violation of this chapter shall be fined not less than \$100 nor more than \$1,000, confined in the county jail for not more than 30 days, or by both such fine and imprisonment.

(History: Ord. POC-2119 §3, 98; POC-1607 §1, 89)

11.20.090 False Impersonation.

"False Impersonation" is representing oneself to be a law enforcement officer, public officer or employee or a person licensed to practice or engage in any profession or vocation for which a license is required by the laws of the state of Kansas, with knowledge that such representation is false. (KSA 21-3824)

(History: Ord. POC-924 §2, 77; POC-598 §44; PO-84 §37 & 38)

11.20.100 Criminal Disclosure of a Warrant.

A criminal disclosure of a warrant is making public in any way, except at the request of a law enforcement officer for the purpose of assisting in the execution of such warrant, the fact that a search warrant or warrant for arrest has been applied for or issued or the contents of the affidavit or testimony on which such warrant is based, prior to the execution thereof but the above shall not apply to personnel of a law enforcement agency disclosing a warrant: (1) For the purpose of encouraging the person named in the warrant to voluntarily surrender; or (2) issued in a case involving the abduction of a child unless such disclosure is specifically prohibited by the court issuing such warrant. (KSA 21-3827)

(History: Ord. POC-1801 §13, 93; POC-1381 §4, 86)

11.20.110 Witness or Victim Intimidation, Definitions.

- A. "Civil injury or loss" means any injury or loss for which a civil remedy is provided under the laws of this state, any other state or the United States.
- B. "Malice" means an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice.
- C. "Victim" means any individual: (1) Against whom any crime under the laws of this state, any other state or the United States is being, has been or is attempted to be committed; or (2) who suffers a civil injury or loss.

- D. "Witness" means any individual: (1) Who has knowledge of the existence or nonexistence of facts relating to any civil or criminal trial, proceeding or inquiry authorized by law; (2) whose declaration under oath is received or has been received as evidence for any purpose; (3) who has reported any crime or any civil injury or loss to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer; (4) who has been served with a subpoena issued under the authority of a municipal court or any court or agency of this state, any other state or the United States; or (5) who would be believed by any reasonable person to be an individual described in paragraph (1), (2), (3) or (4).

(History: Ord. POC-1318 §4, 86)

11.20.120 Same, Crime of Intimidation of a Witness or Victim.

Intimidation of a witness or victim is knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade:

- A. Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or
- B. any witness, victim or person acting on behalf of a victim from: (1) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer; (2) causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole, or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution; (3) causing a civil action to be filed and prosecuted and assisting in its prosecution; or (4) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim. (KSA 21-3832)

(History: Ord. POC-1381 §4, 86)

11.20.130 Same, Civil Remedies, Court Orders Authorized.

- A. In its discretion and upon good cause (which may include but is not limited to the declaration of a party's attorney) to believe that intimidation or dissuasion of any victim or witness has occurred or is reasonably likely to occur, the court may issue any reasonable order necessary to remedy or prevent the intimidation or dissuasion, including but not limited to an order that:
1. Any person before the court, including but not limited to a party, subpoenaed witness or other person entering the courtroom of the court, not violate any provision of this code;
 2. any person described in this section maintain a prescribed geographic distance from any specified witness or victim;
 3. any person described in this section have no communication whatsoever with any specified witness or victim, except through an attorney under such reasonable restrictions as the court imposes;

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4. calls for a hearing to determine if an order described in subsection (1), (2) or (3) should be issued; or
5. a particular law enforcement agency within the jurisdiction of the court provide protection for a victim or witness.

B. Actions by a law enforcement agency pursuant to an order issued under subsection (a)(5) are considered to be police protection within the exemption from liability under the Kansas tort claims act for damages resulting from the failure to provide, or the method of providing, police protection. (KSA 21-3834)

(History: Ord. POC-1381 §4, 86)

11.20.140 Same, Violation of Court Orders, Penalties.

Violation of an order entered pursuant to 11.20.130 may be punished in any of the following ways:

- A. In the manner provided by 11.20.120, when applicable.
- B. As a contempt of the court making the order. No finding of contempt shall be a bar to prosecution for a violation of 11.12.120, but:
 1. Any person held in contempt shall be entitled to have any punishment imposed for contempt to be credited against any sentence imposed upon conviction of a violation of 11.12.120; and
 2. any conviction or acquittal of a violation of 11.12.120 shall be a bar to subsequent punishment for contempt arising out of the same act.
- C. By revocation of any form of pretrial release of a criminal defendant or by the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding the defendant into custody. After a hearing and upon a showing by clear and convincing evidence, the court, in its sound discretion, may order the revocation whether the violation was committed by the defendant personally or in any way caused or encouraged it to be committed. (KSA 21-3835)

(History: Ord. POC-1318 §4, 86)

11.20.150 Unlawful Use of Names Derived from Public Records.

No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

1. Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012 (1985), and any amendments thereto;
2. lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;
3. lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or

given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses; and

4. to the extent otherwise authorized by law.

(History: Ord. POC-1381 §4, 86)

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