

Request for City Council Committee Action from the Department of Intergovernmental Relations

Date: 10/1/2008

To: Council Member Betsy Hodges and IGR Committee Members

Referral to: IGR Committee

Subject: Continuation of 2009 Legislative Process; Presentations of new proposals by City Attorney and Regulatory Services.

Recommendation: Discussion; Action to be taken at a subsequent meeting.

Prepared by: IGR staff
 Approved by: Gene Ranieri, IGR Director
 Presenters in Committee: City Attorney and staff for Regulatory Services and Police

Supporting Information:

The new legislative proposals of the city attorney and regulatory services are summarized below. Representatives of the departments will make presentations at the IGR Committee meeting of October 7 regarding the proposals. Staff from the police department will be available to respond to questions and provide additional information.

At the October 22 committee meeting the proposals of Public Works, Health Department and Community Economic and Planning Department are tentatively scheduled for discussion.

| Department | Proposal Summary |
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| City Attorney | Affordable Housing: Mortgage Foreclosure. Amend the state land use statute (MS 462.355 Sub 4 (a)) to allow a temporary moratorium to be placed on the granting of new rental license applications in a defined geographic area of the city. The intent of the moratorium is to allow the city to do a study to consider modifications to the comprehensive plan. |
| | Development: Unsafe or Dangerous Structures in a Proposed Redevelopment District (TIF). The TIF law (MS 469.174 Sub10 (d)) would be amended to permit an "authority" or developer to demolish an unsafe or dangerous structure prior to the finalization of the development agreement or designation of the district as a redevelopment district. |
| | Additional mortgage foreclosure proposals could be advanced upon the completion of studies currently underway by such groups as the Mortgage Foreclosure Law Relief Project and the Funders' Council. |
| | Trespassing: Construction Sites. Current law imposes several |

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| | requirements related to trespass signs at a construction site. The statute specifies size, position and wording. It is difficult to prosecute a trespass offense since most construction sites do not have signs that conform to the statute. It is proposed that the statute (MS 609.605 Sub 1 (a) (v)) be amended to delete the detailed requirements. |
| | Trespassing: Prohibit people from crossing into areas clearly marked by police tape that forbids such crossings. This proposal was suggested in 2008 as a result of the bridge collapse and was modified to relate to scenes of a natural disaster or mass casualty. (The existing language is on page 5 of the agenda). |
| | Prostitution: Definition of Public Place. It is proposed that the definition of public place be broadened for gross misdemeanor prostitution and "john" cases to specifically include places of business that serve the public such as massage parlors, retail businesses, hotels, and places that serve food and liquor. The definition would be added to MS 609.321.g. |
| | Prostitution: Data Classification. It is proposed that MS 609.324 Sub 5 be amended to reclassify data related to the second offense conviction of a prostitution patron (john) who uses a motor vehicle in committing the offense. Under current law the data is private data. It is proposed that it be reclassified as public data. |
| | Prostitution: Penalty Enhancement. Modify the gross misdemeanor "public place" prostitution statute so that the elements of the offenses are the same as those in the misdemeanor prostitution statute except that the offense must take place in a "public place" |
| | Victims' Rights: Amend MS 611A.03 to require prosecutors to obtain victim's input as to the terms of potential plea agreements only in felony, assault, DWI, and sex offense cases; allow prosecutors to obtain victim's input as to the terms of potential plea agreements prior to attendance in court, so that court proceedings are not delayed . |
| | Domestic Abuse: City Attorney supports the following proposals and will work with domestic violence advocacy groups to obtain their leadership and support: Amend MS 518B.01 (domestic abuse no contact order) sub 22 and MS 609. 78 Sub 2 (interference with an emergency call) to include violation of these provisions as basis for disqualifying an offender from owning or possessing a pistol. |
| | Domestic Abuse Definition of Person Involved in a significant romantic or sexual relationship. Amend MS 518B.01 Sub 2B to expand the definition of such persons to include those formerly involved a relationship. |
| | Violation of a no contact order. Amend MS 518B.01 sub 22 to permit prosecutors to charge this offense under circumstances in which a defendant has violated a no contact order issued after he or |

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| | she was convicted of an offense “arising from” a domestic assault related offense rather than convicted of the domestic-assault related offense itself. |
| | Enhancement of Penalty. Amend MS 609.2241 sub 2 to delete the requirement that the prior qualified offense be against a family or household member in order to enhance the new offense to a gross misdemeanor. |
| | Definition of Qualified Domestic Violence Related Offense. Amend MS 609.02 to change the current definition to qualified prior offense to allow clearer application for non-domestic (stranger) assaults. |
| | Conforming Amendment. Amend MS 518B.01 sub 22 to be consistent with other sections of the statute by adding the following language “a domestic abuse no contact order issued under this section applies throughout the state.” |
| | Indecent Conduct /Exposure. The following amendment would allow for felony charging of chronic indecent exposure offenders. Amend MS 617.23 sub 3 to permit prosecutors to charge indecent exposure as a felony when the offender has been twice previously convicted of indecent exposure, criminal sexual conduct or a combination thereof. |
| | Traffic Offenses: Stop on Red. City attorney supports authorizing local governments to use automatic enforcement of traffic signals. |
| | Chronic Offenders. Support an amendment to provide for increased penalties for persons who chronically commit certain livability offenses. |
| Regulatory Services | Building Codes. City of Morris v. Sax Supreme Court decision in May 2008 weakened cities’ ability to enforce maintenance code standards on rental housing. The issue is being led by the LMC, in conversation with DOLI. There is preliminary agreement on a solution to allow local ordinances to address maintenance of existing buildings and bring them to the latest safety standards adopted as part of the State Building Code. |
| | Animal Fighting. Legislation that allows for the charging of a felony when there is evidence that a person “uses, trains or possesses a dog or other animal for the purpose of participating in, engaging in, or promoting animal fighting;” increasing the penalties for animal fighting and possession of animals for fighting; and making attending an animal fight a felony. |
| | Dangerous Animals. Require the completion of obedience training by all owners and custodians of animals that have been declared dangerous. |
| | Scrap Metal Legislation. Enhancement to Scrap Metal Statute. Examine various enforcement and enhancement options to MS. 325E.21. Amendments could include enhanced penalties for |

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| | illegally removing copper wiring from foreclosed or abandoned properties, enhanced penalties for dealers in illegal copper wiring and increased tracking and reporting requirements for scrap metal dealers. |
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