# CITY OF JOPLIN
# COUNCIL AGENDA ITEM

**ITEM:**
Council Bill No. 2026-006 – AN ORDINANCE repealing and replacing the Joplin City Code, Chapter 114 - Traffic, Article III - Operation of Vehicles; Division 1. - Generally; Section 114-171 - Driving while intoxicated; driving with unlawful blood alcohol content, and repealing Section 114-172 - Driving while under the influence of drugs; and establishing a time for such ordinance to become effective.

**MEETING DATE**
May 4, 2026

**ATTACHMENTS**
Council Bill No. 2026-006

**REVIEWED BY**
City Attorney Peter Edwards; Chief of Police Richard Pearson; and City Manager Nicholas Edwards.

**SUMMARY**
This Council Bill repeals 114-172, and repeals and replaces 114-171 to mirror state statute. The Driving While Intoxicated ordinance was last updated in 2001. The proposed changes harmonize the Joplin City Code with the statute, and alleviate any future challenges to the ordinance for enhancement purposes, preserving the integrity of the ordinance and penalty.

**BACKGROUND**
Recently, in *State v. Peters* (Mo. banc Feb. 24, 2026), the Supreme Court of Missouri reviewed driving while intoxicated (DWI) sentencing enhancements. Peters was convicted of DWI and sentenced as a chronic offender, which requires four or more prior "intoxication-related traffic offenses" (IRTOs). Peters conceded three prior IRTOs but challenged the fourth: a 2002 municipal conviction reflected in a certified Joplin municipal court. The Court held the State did not prove beyond a reasonable doubt that the 2002 municipal conviction qualified as an IRTO because the record was silent as to whether Peters physically drove or operated a vehicle (as required by Missouri's definition of "driving" at the time of Peters' 2021 offense) or whether the municipal ordinance might have criminalized broader conduct such as "actual physical control." As a result, Peters could not be sentenced as a chronic offender. The Court vacated the judgment and remanded for resentencing as an *aggravated offender* (three or more IRTOs). The difference in this case between a chronic offender is a C felony carries a punishment of up to 10 years incarceration, and an aggravated offending is a D felony no more than 7 years incarceration.

**FUNDING SOURCE**
N/A

**RECOMMENDATION**
Staff recommends this Council Bill be approved on First Reading.