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.

COUNCIL BILL NO. 2026-006 ORDINANCE NO.

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.

WHEREAS, the Driving While Intoxicated ordinance was last updated in 2001, by Ordinance No. 2201-132; and requires replacement in order to comport with state statute; and

WHEREAS, the City Council finds that updating the Joplin City Code is necessary for the protection of the public health, safety, and welfare of the City of Joplin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows, that:

Section l. That Section 114-171 Driving while intoxicated; driving with unlawful blood alcohol content be repealed and replaced as follows:

" Sec. 114-171. - *Driving while intoxicated; driving with unlawful blood alcohol content.*

(a) ~~No person shall operate a motor vehicle in the city while in an intoxicated condition, as defined by the statutes of the state. Any person who violates the provisions of this subsection shall be deemed guilty of a misdemeanor.~~

A person commits the offense of driving while intoxicated if he or she operates a vehicle in the City while in an intoxicated condition.

(b) ~~No person shall drive a motor vehicle when the person has 0.08 percent or more by weight of alcohol in his blood. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of the statutes of the state. Any person who violates the provisions of this subsection shall be deemed guilty of a misdemeanor.~~

A person commits the offense of driving with excessive blood alcohol content if such person operates a vehicle in the City while having eight-hundredths of one percent or more by weight of alcohol in his or her blood. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be

conducted in accordance with the provisions of sections 577.020 to 577.041 of the Missouri statutes.

(c) *Section definitions*. As used in this section, the following terms mean:

(l) "Intoxicated" or "intoxicated condition," when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(2) "Controlled substance," a drug, substance, or immediate precursor in schedules I to V listed in section 195.017 of the Missouri statutes;

(3) "Drive," "driving," "operates" or "operating," physically driving or operating a vehicle;"

(d) *Penalty*. Any person having been found guilty of any violation of this section shall be punished as provided in section I -5 of this Code of Ordinances.

Section 2. Section 114-172. - Driving While under the Influence of Drugs is hereby repealed.

~~Sec. 114-172. – Driving while under the influence of drugs.~~

~~No person who is an habitual user or under the influence of any narcotic drug, as defined by the statutes of the state, or who is under the influence of any other drug, to a degree which renders him incapable of operating a motor vehicle shall operate a motor vehicle upon any street, highway, alley, public right-of-way or public place in the city.~~

Section 3. That this Ordinance shall be in full force and effect twenty (20) days after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this_____ day of _____, 2026, by a vote of _____.

_____
Robert "Rob" O'Brian, III, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney