



**State Representative
Mark A. Sharp
District 37**

WEEKLY CAPITOL UPDATE

Monday, May 29th, 2023

POLICE URGED TO ENFORCE BILL THEY CAN'T

Missouri Attorney General Andrew Bailey on May 23 urged the Kansas City Board of Police Commissioners to use police officers to enforce recently passed legislation prohibiting medical practitioners from providing gender-affirming care to transgender children.

However, as Kansas City's police chief noted days earlier, officers lack the legal authority to enforce the measure since it contains no criminal provisions, thus putting the matter outside of police jurisdiction.

In a letter to Board President Mark Tolbert, Bailey claimed a failure by the Board to enforce the legislation - **which Gov. Mike Parson hasn't yet signed into law and that won't take effect until Aug. 28 after the governor signs it as expected** - would be "both dangerous and unlawful."

Bailey's letter was in response to a resolution the KCMO City Council passed on May 11 declaring the city to be a sanctuary for those seeking or providing gender-affirming care and stating that enforcing any state law against such care would be the "lowest priority" for city personnel.

Senate Bill 49 which the Missouri General Assembly passed on May 10, gives no enforcement role to either municipal governments or law enforcement. Instead, alleged violations would result in administrative efforts to seek revocation of medical providers' state-issued licenses. As a result, enforcement would fall to various licensing authorities under the Missouri Department of Health and Senior Services.

According to the Kansas City Star, Kansas City Police Chief Stacey Graves issued a public statement prior to Bailey's letter saying the lack of criminal provisions in SB 49 leaves nothing for police to enforce.

"These provisions are outside the jurisdiction of the Kansas City Missouri Police Department," Graves said. "I want to assure Kansas City, we will continue to serve all the members of the community equitably regardless of race, ethnicity, age, religion, gender, gender identity, gender expression or sexual orientation."

Nonetheless, Bailey, who Parson appointed as attorney general in January to fill a vacancy, took a hard line in his letter urging the Police Board to use Kansas City police officers to enforce a bill that gives police no enforcement authority and has not yet even been signed into law.

"It is the Board's constitutional duty to enforce the law and ensure that children are protected from these dangerous, experimental gender transition interventions," Bailey wrote. "As Missouri's top legal officer, I will take any legal action necessary against the City to ensure our state laws are enforced."

Recently Bailey attempted to use a state consumer protection law to unilaterally impose an administrative rule effectively banning gender-affirming care in Missouri for persons of all ages. Bailey quietly terminated the rule on May 16 after a St. Louis County circuit judge blocked its enforcement on the grounds that Bailey had unconstitutionally attempted to usurp legislative authority.

VETERAN LAWYER APPOINTED PROSECUTOR

Gov. Mike Parson on May 19 appointed Gabe Gore as St. Louis City circuit attorney. Gore, a partner in the Dowd

Bennett law firm, replaces Kim Gardner who resigned the post three days earlier.

Gore, 54, worked as a federal prosecutor in the 1990s. In 1999, Special Counsel John Danforth, a former Republican U.S. senator from Missouri, recruited him to assist with Danforth's high-profile investigation into federal agents' 1993 siege and subsequent raid of the Branch Davidian compound near Waco, Texas. Gore later spent 23 years in private practice.

In 2014, then-Gov. Jay Nixon, a Democrat, appointed Gore to serve on the Ferguson Commission which was created in the aftermath of the widespread protests and demands for law enforcement and municipal court reform following the police shooting of an unarmed Black teen in August of that year.

In 2015, Nixon appointed Gore as a Democrat to the Missouri State University Board of Governors where he formerly served as chair. He still holds a seat on the Board until a successor is appointed even though his term expired in January 2021.

He also has served as a Board member of the St. Louis Public Library.

Gore will serve out the remainder of Gardner's term as circuit attorney which runs through the end of 2024. According to the St. Louis Post-Dispatch, he hasn't decided whether he will seek election to a full term next year.

In early May, Gardner announced her plans to resign effective June 1 in exchange for state lawmakers dropping legislation that sought to strip the St. Louis Circuit Attorney's Office of its authority to prosecute violent crimes and instead hand those duties to a special prosecutor selected by the governor. However, Gardner, whose five-plus-year tenure was marked by accusations of dysfunctionality and an exodus of several experienced prosecutors from the office, abruptly stepped down earlier than expected on May 16.

SCHOOL ATTENDANCE LAW CHALLENGED

The Missouri Supreme Court heard a pair of cases on May 24 that argue the state's compulsory school

attendance law is unconstitutionally vague in violation of the due process rights of two Laclede County women convicted in separate cases of failing to ensure their children attended school on a “regular basis”.

Both women were charged in March 2022 in cases involving children in the Lebanon School District. The mother of one first grader was convicted and sentenced to seven days in jail. The other mother of a kindergartener was given a suspended 15-day jail sentence and placed on probation.

In both cases, the district initiated enforcement action after each child had missed 15 full days of school. For at least one of the children, some of the absences were said to be due to illness, which the district doesn’t consider excused unless there is a doctor’s note.

Although state law requires children to attend school on a “regular basis,” the attorney for both women argued the lack of a definition for that term renders the statute unconstitutionally vague and leads to arbitrary and discriminatory enforcement.

The women also argued the state failed to prove they “knowingly” violated the law, a legal standard required under a 2005 state Supreme Court ruling for convictions under the compulsory school attendance statute.

The court will rule on the cases at a later date.



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		Online: Visit https://mydss.mo.gov/healthcare/apply to apply quickly via the DHSS web portal	
1	\$1,481	By Phone: Call the Missouri Family Support Division at (855)-373-4636 or (855)-373-9994	
2	\$2,003	By Mail or Email: Print and fill out an application provided at the web address listed above and mail to: Family Support Division 615 E 13th St Kansas City, MO 64106 Or email to: FSD.Documents@dss.mo.gov	
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South KC Food Pantries

South Kansas City is fortunate to have several food pantries to help less-fortunate residents have enough healthy food to eat. These include:

Community Assistance Council, 10901 Blue Ridge Blvd. on the north end of the Ruskin High School campus, from 9 a.m. to 2:30 p.m. Monday, Tuesday, Thursday and Friday. Persons should call 816-763-3277, ext. 100, or email info@cackc.org for appointments or questions.

Red Bridge Area Food Pantry, 100 W. Red Bridge Rd. in the First Baptist Church of Kansas City, from 10 a.m. to noon on the third Saturday each month. Persons must call 816-908-7800 for appointments by the prior Wednesday.

Harvesters (the community food network) brings the semi-truck that serves as its mobile food pantry to seven sites in south Kansas City monthly to distribute fresh produce and other healthy food to families in need. The sites are:

Center School District, 8701 Holmes Rd., from 9 a.m. to 10:30 a.m. as long as food is left on the first Saturday of the month. Persons should drive through the bus parking lot to the district warehouse. The event is sponsored by Three Trails Community church in partnership with the Center School District.

Center District Warehouse, 8701 Holmes Rd., from 11:30 a.m. to 1:30 p.m. the second Friday of each month. Persons should go to the entrance to the Center Administrative Office and drive through the bus parking lot to the warehouse where volunteers will load the food. Persons should take the Troost Ave exit. The event is sponsored by the Center Education Foundation in partnership with the Center School District.

Evangel Church, 1414 E. 103rd St., from 7 to 8:30 a.m. the second Saturday of the month. Persons may remain in their vehicles, and food will be brought to them.

United Believers Community Church, 5600 E. 112th Terr., with vehicles lining up at 8:30 a.m. and contactless food distribution running from 9 to 11 a.m. the third Wednesday of the month.

Ruskin High School, 7000 E. 111th St., from 4 to 5:30 p.m. the third Thursday of the month. Vehicles should line up on Ruskin Way on the east side of the school, and staff and students will load the food when vehicles reach the school.

Colonial Presbyterian Church, 9500 Wornall Rd., with registration beginning at 8 a.m. and food distribution running from about 8:30 to 10 a.m. on the third Saturday of the month. Families are asked to bring two cardboard boxes for volunteers to put the food in.

Red Bridge United Methodist Church, 636 E. 117th St., from 2:30 to 3:30 p.m. on the fourth Friday of the month in the church parking lot.

Serve and Lift Center – South KC, 8001 Longview Rd., from 8:30 a.m. to 3:30 p.m. Monday, Tuesday, Wednesday and Thursday. Walk-in, call for an appointment or order online at <https://catholiccharities-kcsj.org/pantry/>



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Please don't hesitate to contact me
with any feedback, questions or ideas!