



# REQUEST FOR COUNCIL ACTION

## City of Greenville, South Carolina

Agenda Item No.

15k

**TO:** Honorable Mayor and Members of City Council  
**FROM:** John F. McDonough, City Manager

Ordinance/First Reading  Ordinance/Second & Final Reading  Resolution/First & Final Reading  Information Only

**AGENDA DATE REQUESTED:** January 13, 2020

**ORDINANCE/RESOLUTION CAPTION:**

TO AMEND CHAPTER 24, OFFENSES, OF THE CODE OF ORDINANCE OF THE CITY OF GREENVILLE TO PROVIDE FOR THE OFFENSE OF BIAS-BASED INTIMIDATION AND MATTERS RELATED THERETO

**SUMMARY BACKGROUND:**

This Ordinance amends the Code of Ordinances to create a separate offense of bias-based intimidation to provide for appropriate penalties for same.

**IMPACT IF DENIED:**

The Code of Ordinances will not be amended.

**FINANCIAL IMPACT:**

N/A

**REQUIRED SIGNATURES**

Department Director \_\_\_\_\_

OMB Director \_\_\_\_\_

City Attorney *Michael Pitts* \_\_\_\_\_

City Manager *John McDonough* \_\_\_\_\_

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A N O R D I N A N C E

TO AMEND CHAPTER 24, OFFENSES, OF THE CODE OF ORDINANCE OF THE CITY OF GREENVILLE TO PROVIDE FOR THE OFFENSE OF BIAS-BASED INTIMIDATION AND MATTERS RELATED THERETO

WHEREAS, the city Of Greenville’s residents are a richly diverse collection of individuals representing a multitude of ethnicities, national origins, colors, religions, sexual orientations, genders and gender identities. The City is also a home to many with physical and mental disabilities; and

WHEREAS, the City is a popular visitor destination and draws individuals who also represent a great variety of ethnicities, national origins, colors, religions, sexual orientations, genders and gender identities as well as physical and mental disabilities; and

WHEREAS, the City values and wishes to protect its residents and visitors irrespective of their ethnicities, national origins, colors, religions, sexual orientations, genders and gender identities or physical and mental disabilities; and

WHEREAS, crimes that are motivated by bias or hate toward an individual because of their actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or any physical or mental disability are an affront to the values held by the City; and

WHEREAS, the City wishes to deter crimes motivated by bias or hate toward any individual because of their actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or physical or mental disability, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the criminal ordinances of the City; and

WHEREAS, City Council, having the authority to adopt and provide for the enactment of such ordinances that are not inconsistent with its own Code of Ordinances, the Constitution and laws of the State of South Carolina and further having the authority to promote and protect the security and general welfare of all of its residents and to preserve the peace and maintain order within its borders, hereby desires to create the separate offense of bias-based intimidation to provide for appropriate penalties for same;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the Code of Ordinances of the City of Greenville shall be amended as set forth in the attached Exhibit, which is incorporated herein by reference. The City Clerk is directed to ensure that said amendments are properly codified in the City Code.

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER

## EXHIBIT

Chapter 24 – OFFENSES of the Code of Ordinances of the City of Greenville is hereby amended by adding Section \_\_\_\_\_ to provide for a separate offense of bias-based intimidation and will read as follows:

**Sec. \_\_\_\_\_ Bias-based intimidation.****a. Offense defined.**

A person who commits a crime in violation of another section of this Chapter, or in violation of any State statute, within the city of Greenville and with the intent in whole or in part to cause harm, injury or damage to the person or property of the victim or to cause the victim to fear harm, injury damage to their person or property, based on the actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or physical or mental disability of the victim is guilty of the separate offense of bias-based intimidation.

**b. Penalties.**

A violation of this section shall be a misdemeanor and punishable by a fine of not more than \$500.00 and/or by imprisonment for not more than 30 days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense unless the court articulates on the record the reasons why the sentences should run concurrently. Any sentence may be suspended upon completion by the defendant of appropriate education, counseling or community service employment as ordered by the court. The court may also designate all or part of the imposed fine be directed to the support of programs designed to combat bias based on ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or physical or mental disability.

**c. Restitution authorized.**

In addition to the penalties provided for above, the court may order restitution up to the limits of the court's jurisdiction for damages sustained by the victim of this offense directly related to the commission of the crime which may include compensation for medical bills, counseling or therapy or damage to property sustained by the victim as a result of the underlying criminal offense.