

(3) The court shall direct that the trier of fact find by special verdict the Infraction(s) committed as to all of the issues specified in (1) after the (1)(a) conviction. If the evidence for 1(b) was excluded or suppressed in the proceeding to obtain the conviction in 1(a), evidence of 1(b) shall be presented in the second phase of a bifurcated proceeding. If the defendant requested a jury trial on the underlying (1)(a) crime, the defendant shall also be entitled to a jury determination of whether (1)(b) intentional victim selection has been proven beyond a reasonable doubt, unless the defendant waives this right.

(4) This section does not apply to any crime if proof of race, religion, color, disability, sexual orientation, national origin or ancestry or proof of any person's perception or belief regarding another's race, religion, color, disability, sexual orientation, national origin or ancestry is required for a conviction for that crime.

(5) "Infraction" is conduct motivated by a discriminatory point of view proven by meeting the elements, beyond a reasonable doubt, set forth under (1)(a-b) punishable by a civil fine only, and is for punishing such conduct more severely than the same conduct engaged in for some other reason or for no reason at all. An Infraction shall not be for, and does not allow for, punishment for, standing alone, one's abstract beliefs, opinions, protected speech or expressions standing alone, thoughts, or associations with any group or organization. The only punishment authorized for an Infraction is a civil fine and which violation is expressly designated as an Infraction by a trier of fact or by affirmative plea.

(6) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This ordinance duly adopted on second reading this 15<sup>th</sup> day of December 2025.

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Brandon A. Smith, Mayor

ATTEST:

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Tiffany Albert, City Clerk

First Reading: November 17, 2025

Final Reading: December 15, 2025