

AN ORDINANCE

TO AMEND CHAPTER 22, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SPARTANBURG TO ADD A NEW SECTION PROVIDING THAT A PERSON WHO VIOLATES ANOTHER SECTION OF THE CITY'S CODE OF ORDINANCES WITH THE INTENT TO HARM, INJURE OR INTIMIDATE ANOTHER PERSON OR PERSONS IN WHOLE OR IN PART BECAUSE OF THE ETHNICITY, RACE, COLOR, CREED, NATIONAL ORIGIN, RELIGION, ANCESTRY, SEXUAL ORIENTATION, GENDER, GENDER IDENTITY OR PHYSICAL OR MENTAL DISABILITY OF THE VICTIM IS GUILTY OF THE SEPARATE OFFENSE OF HATE INTIMIDATION .

WHEREAS, The City of Spartanburg's residents are a richly diverse collection of individuals representing a multitude of ethnicities, races, colors, creeds, national origins, religions, ancestries, sexual orientations, and gender identities. The City is also 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, races, colors, creeds, national origins, religions, ancestries, sexual orientations, gender identities, and physical and mental disabilities; and

WHEREAS, the City values and wishes to protect its residents and visitors irrespective of their ethnicity, race, color, creed, national origin, religion, ancestry, sexual orientation, gender identity and physical and mental disability; and

WHEREAS, crimes that are motivated by bias or hate toward an individual because of their actual or perceived ethnicity, race, color, creed, national origin, religion, ancestry, sexual orientation, gender identity and physical and 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, race, color, creed, national origin, religion, ancestry, sexual orientation, gender identity and physical and mental disability, and provide separate and appropriate penalties in addition to the punishment for the underlying violation of the criminal ordinances of the City and State laws within the City's jurisdiction; 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 the 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 hate based intimidation and to provide for appropriate penalties for same;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend the City of Spartanburg Code 2020 to include an offense of Hate Intimidation with the language in the attached Exhibit A.

Section 2. The Municipal Code Corporation as codifier of the Code of Ordinances shall be authorized to make adjustments in code section numbers and terminology as may be appropriate to achieve the purposes of this Ordinance. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina. This Ordinance supersedes any other inconsistent ordinances.

DONE AND RATIFIED THIS ____ DAY OF _____, 2025.

Jerome Rice, Jr., Mayor

ATTEST:

Christie Lindsey
City Clerk

APPROVED AS TO FORM:

Robert P. Coler
City Attorney

_____/_____/_____ (First Reading)

____ / ____ / ____ (Second Reading)

Exhibit A

Chapter 22-Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Spartanburg is hereby amended by adding Section_____, to provide for a separate offense of hate intimidation and will read as follows:

Hate 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 Spartanburg 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 or damage to their person or property, because of the actual or perceived ethnicity, race, color, creed, national origin, religion, ancestry, sexual orientation, gender, gender identity, or physical or mental disability of the victim is guilty of the separate offense of hate 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 the appropriate education, counseling or community service employment as ordered by the court.