

# *Ordinance Creating a Hate Intimidation Charge*

*September 12, 2023*

*Town Council*

# *Background*

- The State of South Carolina has tried for years to adopt a Hate Crime Bill at the statewide level with no success.
  - As of today, South Carolina is one of only two states that have not adopted statewide Hate Crime legislation of any type.
- The municipalities of Charleston, Columbia, and Greenville have adopted local Ordinances that provide some protection against hate intimidation, hate bias, or similar language. The language in their Ordinances was used as a guide in drafting the proposed Ordinance that is on the agenda for adoption.
- Staff has reached out to these jurisdictions for information related to their Ordinance adoption and implementation.
  - Charleston, Ordinance adopted in 2018, has found one person guilty and has two more pending charges as of today.
  - Columbia, Ordinance adopted in 2019, has had 4 charges as of today.
  - Greenville (2020) did not respond back in time for the report.

# *Hate Intimidation*

- The adoption of the Hate Intimidation Ordinance will create a new chargeable offense.
  - The new offense is not a stand-alone offense but is an add-on to a primary charge where a bias against a protected class is a contributing cause for the crime.
  - Hate Intimidation can be charged when a person who violates Chapter 18 of the Town of Bluffton Code of Ordinances with the intent to intimidate a person or persons in whole or in part because of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, gender identity, physical or mental disability, or national origin of any person.
  - If determined, the perpetrator can be found guilty of the separate offense of hate intimidation.
  - The charge is punishable with a penalty of not more than \$500.00 and/or by imprisonment of no more than 30 days.
  - Sentences shall run consecutive to one another unless the court specifies on the record good cause why they should run concurrently.
- While we would hope that this charge would never be needed, it does set protections for our residents.
- This action would also show the State of South Carolina that this is a priority and deserves action at the state level.

## *Next Steps*

- First Reading – September 12, 2023
- Second Reading – October 10, 2023
- Goes into Effect – October 11, 2023

## ***Proposed Motion***

*“I move to [**Approve**] First Reading of the Ordinance amending the Code of Ordinances for the Town of Bluffton by adding Section 18-137 titled Hate Intimidation.”*