

## TOWN COUNCIL

### STAFF REPORT Executive Office



<b>MEETING DATE:</b>	September 12, 2023
<b>PROJECT:</b>	Hate Intimidation Ordinance
<b>PROJECT MANAGER:</b>	Stephen Steese, Town Manager

**REQUEST:** Town Staff requests Town Council to adopt an Ordinance creating a new section (18-137) in the Town's Code of Ordinance that create a Hate Intimidation offense.

**BACKGROUND:** The State of South Carolina has tried for years to adopt a Hate Crime Bill at the statewide level, and the Town of Bluffton has followed the debate and continuous stalemate around this matter. As of this date, 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 and found the following:

- Charleston, Ordinance adopted in 2018, has found one person guilty and has two more pending charges as today.
- Columbia, Ordinance adopted in 2019, have found four people guilty in conjunction with other charges.
- Greenville, Ordinance adopted in 2020, did not respond back in time for this report.

**NEXT STEPS:** Should Council decide to move forward, these are the next steps:

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

In the interim, staff have reached out to their counterparts to see about any issues from the adoption and implementation of their ordinances. We have asked our Judges to do the same.

**SUMMARY:** The adoption of The Hate Intimidation Ordinance will create a new chargeable offense. However, this 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, then the person can be found guilty of the separate offense of hate intimidation and shall be punished 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.

An example may be an assault on someone where their race, religion, ethnicity, or other protected class may have contributed to the reason for the assault. The person charged could be charged with assault and then also charged with Hate Intimidation. The Hate Intimidation Ordinance carries its own penalty and is served consecutively instead of 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.

**ATTACHMENTS:**

1. Presentation
2. Ordinance
3. Recommended Motion