

ORDINANCE NO. 2023 – _____

TOWN OF BLUFFTON, SOUTH CAROLINA

TO AMEND THE CODE OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, TO ADD A NEW SECTION 18-137 PROVIDING THAT A PERSON WHO VIOLATES ANOTHER WITH THE INTENT TO INTIMIDATE ANOTHER 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 THE OTHER PERSON OR PERSONS IS GUILTY OF THE SEPARATE OFFENSE OF HATE INTIMIDATION.

WHEREAS, The State of South Carolina has yet to adopt a statewide Hate Crime Legislation, being only one of two states nationwide who have yet to adopt such protections for its citizens; and

WHEREAS, The Bluffton Town Council desires to take action to protect its residents from intimidation based on a bias or hate towards 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; and

WHEREAS, The Bluffton Town Council desires to adopt an Ordinance that will create an new offense titled “Hate Intimidation” and that will be punishable as outlined in Section 18-137 of the Town of Bluffton’s Code of Ordinances.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton by adding section 18-137, which shall read as follows:

Sec. 18-137. - Hate intimidation.

(a) 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 is guilty of the separate offense of hate intimidation and shall be punished as provided in item (b) here within. Sentences shall run consecutive to one another unless the court specifies on the record good cause why they should run concurrently.

(b) Fines imposed under this section for contemporaneous or concurrent violations of this section shall be assessed for each violation.

- i. 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.
- ii. A court may impose community service or participation in an educational program for violation of this section.
- iii. Any sentence may be suspended upon completion by the defendant of appropriate education, counseling or community service employment as ordered by the court.

- iv. 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.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2023.

This Ordinance was read and passed at first reading on _____, 2023.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter
Town Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2023.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter
Town Clerk, Town of Bluffton, South Carolina