

**ORDINANCE NO. 2024/09**

**CITY OF BEAUFORT, SOUTH CAROLINA**

TO AMEND THE CODE OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO ADD A NEW SECTION 9-1018 PROVIDING THAT A PERSON WHO VIOLATES PART 9 OF THE CITY OF BEAUFORT CODE OF ORDINANCES 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 Beaufort City 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 Beaufort City Council desires to adopt an Ordinance that will create a new offense entitled “Hate Intimidation,” violation of which will be punishable as outlined in Section 9-1018 of the City of Beaufort’s Code of Ordinances.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUFORT, SOUTH CAROLINA**, in accordance with the foregoing, that the Code of Ordinances, City of Beaufort, South Carolina, is hereby amended by adding a section to be numbered 9-1018, which section reads as follows:

**Sec. 9-1018. - Hate Intimidation.**

(a) A person who violates Part 9 of the City of Beaufort 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) of this section.

(b) A violation of this section shall be a misdemeanor and punishable by a fine of not more than \$500.00, by imprisonment for not more than 30 days, and/or community service or participation in an educational program.

- (1) Sentences imposed for contemporaneous or concurrent violations of this section shall run consecutive to one another unless the court specifies on the record good cause why they should run concurrently. 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.
- (2) Fines imposed under this section for contemporaneous or concurrent violations of this section shall be assessed for each violation. The court may 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

(3) The court, in its discretion, may suspend a sentence imposed for violation of this section upon completion by the defendant of appropriate education, counseling or community service employment as ordered by the court.

(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 14<sup>th</sup> day of May, 2024.

  
Philip E. Cromer, Mayor

Attest:

  
Traci Guldner, City Clerk

First Reading: April 23, 2024

Second Reading and Adoption: May 14, 2024

Approved in form: Benjamin T. Coppage, City Attorney