

AN ORDINANCE TO PROHIBIT BIAS-BASED
INTIMIDATION IN THE CITY OF CHESTER

WHEREAS, Chester City Council recognizes the diversity characteristics of its residents, which includes various races, religions, colors, ethnicities, sexual orientations, genders, gender identities, and disabilities; and

WHEREAS, Chester City Council believes that some crimes are motivated by hate or bias toward individuals because of these diverse characteristics; and

WHEREAS, Chester City Council wants to deter criminal activity against any person motivated by bias or hate towards an individual because of their diverse characteristics;

NOW, THEREFORE, BE IT ORDAINED BY THE CHESTER CITY COUNCIL:

Section 1. Offense Defined. A person who commits a crime in violation of a city ordinance or state statute within the City of Chester and with the intent to cause harm, injury or damage to the victim or their property or to cause to fear harm, injury, damage to the victim or their property, based on the victim's race, religion, color, ethnicity, sexual orientation, gender, gender identity, or disability, is guilty of bias-based intimidation.

Section 2. Penalties. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of the magistrate's court. The sentence imposed for a violation of this Ordinance must be consecutive to the sentence for the underlying criminal charge unless the Court determines that the sentences should run concurrently.

Section 3. Restitution. In addition to the penalties provided for above, the court may order restitution up to the limit 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, but is not limited to,

compensation for medical bills and damage to the victim's property.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal. Any other ordinance or any parts of this ordinance that conflict with this Ordinance are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Adopted this _____ day of _____ 2023.

Carlos Williams, Mayor

ATTEST: _____
Malik Whitaker, City Administrator

ATTEST: _____
Marquita Fair, Municipal Clerk

First reading:
Second reading: