

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)
)
CITY OF HARDEEVILLE) AN ORDINANCE TO AMEND
) CHAPTER 13, "OFFENSES AND,
) MISCELLANEOUS PROVISIONS"
) OF THE HARDEEVILLE
) CODE OF ORDINANCES

Ordinance Number 2024-3-21A

WHEREAS, the City of Hardeeville is empowered by Sections 5-13-30 of the Code of Laws of South Carolina (as amended) to provide for the general health and welfare of the municipality and to enact ordinances to protect such; and

WHEREAS, the State of South Carolina remains one of only two states nationwide to not adopt Hate Crime Legislation; and

WHEREAS, the City Council finds it desirable 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 actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, gender identity, physical or mental disability, or national origin of any person or persons; and

WHEREAS, the City Council desires to amend Article II of Chapter 13 by adding Section 13-22 regarding "Hate Intimidation."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Hardeeville in Council duly assembled as follows:

Section 1. Chapter 13, Article II, *Offenses Against the Person*, is amended by adding the following Section 13-22, *Hate Intimidation*, as follows:

Section 13-22. – Hate Intimidation

- (a) A person who violates Chapter 13 of the City of Hardeeville 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, cultural or social identity, 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 thirty (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 as ordered by the court. This provision does not constitute creation of a diversion program, nor does it provide for dismissal of any conviction or guilty plea, but instead allows the court flexibility in selecting effective penalties in appropriate cases.
 - 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.

Section 2. This ordinance shall be effective on final reading.

SO ORDAINED this 4th day of April, 2024, by the Hardeeville City Council being duly and lawfully assembled.

Harry Williams
Harry Williams, Mayor

ATTEST:

Robin Conner-Payne
Robin Conner-Payne, City Clerk

First Reading:

3/21/2024

Public Hearing:

4/4/2024 + 3/21/2024

Second Reading:

4/4/2024

Approved as to form:

Prina C. Maines
Prina C. Maines, City Attorney

STATE OF SOUTH CAROLINA

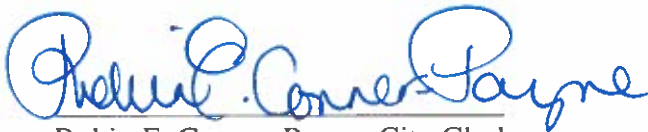
COUNTY OF JASPER

I, the undersigned City Clerk of the City of Hardeeville, do hereby certify that attached hereto is a true, correct, and verbatim copy of an **Ordinance** adopted by the City Council of the City of Hardeeville (the "City Council"). The Ordinance was given its first reading by the City Council at its duly called meeting of 3/21, 2024, and a second reading at its duly called meeting of 4/4, 2024.

I do further certify that at each meeting of the City Council at which the **Ordinance** was read, a quorum was present at the commencement thereof and remained present throughout the time in which the Ordinance was considered and voted up by members of the City Council.

An original of said Ordinance is in my custody as Clerk to the City Council.

WITNESS my hand and the seal of the City this 4th day of April, 2024.



Robin E. Conner-Payne, City Clerk,
City of Hardeeville, South Carolina

[SEAL]

