

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

CITY OF MYRTLE BEACH)
COUNTY OF Horry)
STATE OF SOUTH CAROLINA)

TO ENACT SECTION 14-200 OF THE
CITY OF MYRTLE BEACH CODE OF
ORDINANCES ENTITLED *HATE
INTIMIDATION*

WHEREAS, the residents and visitors of the City of Myrtle Beach are a diverse collection of individuals representing a multitude of races, colors, creeds, religions, ancestries, sexual orientation, genders, gender identities, physical and mental disabilities, and national origins; and

WHEREAS, the City of Myrtle Beach values and wishes to protect its residents and visitors irrespective of their race, color, creed, religion, ancestry, gender, sexual orientation, gender identity, physical or mental disability, or national origin; and

WHEREAS, crimes that are motivated by bias or hate towards any 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 person are an affront to the values held by the City; and

WHEREAS, the City of Myrtle Beach desires to protect residents and visitors from crimes motivated by bias or hate but also recognizes that some incidents involving bias or hate – while contrary to the values held by the City - do not rise to the level of a criminal act and, likewise, that not all criminal acts towards a member or members of a protected class are motivated by bias or hate; and

WHEREAS, the State of South Carolina has yet to adopt statewide hate crime legislation, and is only one of two states in the United States that have yet to adopt such protection for its citizens and visitors; and

WHEREAS, the City of Myrtle Beach desires to enact a new section of its Code of Ordinances to protect its residents and visitors and deter crimes motivated by bias or hate towards any 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 person, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the ordinances of the City or the laws of the State; and

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Councilmembers of the City of Myrtle Beach that Section 14-200 of the Myrtle Beach Code of Ordinances titled *Hate Intimidation* is hereby enacted to specifically read as follows:

§ 14-200 HATE INTIMIDATION.

(a) A person who commits a crime in violation of Chapter 14 of the City of Myrtle Beach Code of Ordinances or any other City Ordinance or in violation of State law within the municipal limits of the City of Myrtle Beach, with the intent to intimidate or harass a person or persons, or to cause harm, injury or damage to the person or property of the victim(s), in whole or in part, because of the actual or perceived race, color, creed, religion,

1 ancestry, gender, sexual orientation, gender identity, physical or mental disability, or
2 national origin of the other person or persons, is guilty of the separate offense of hate
3 intimidation and shall be punished as provided in item (b) below.

- 4
5
- 6 (b) (1) A violation of this section shall be a misdemeanor and punishable by
7 a fine of not more than \$500.00 and/or by imprisonment for not more
8 than 30 days. The sentence imposed must be consecutive to the
9 sentence for the underlying criminal offense unless the court
10 articulates on the record the reasons why the sentences should run
11 concurrently.
 - 12 (2) Separate fines and/or sentences shall be imposed for
13 contemporaneous or concurrent violations.
 - 14 (3) The court may impose community service or participation in an
15 educational or counseling program for violation of this section.
 - 16 (4) The court may suspend the sentence and/or fine in whole or in
17 part, and require completion of an educational program, a course of
18 counseling, or appropriate community service. This provision does
19 not constitute creation of a diversion program, nor does it provide
20 for dismissal of any conviction or guilty plea, but instead allows the
21 court flexibility in selecting effective penalties in appropriate cases.
 - 22 (5) The court may also designate all or part of the imposed fine be
23 directed to the support of programs designed to combat bias based on
24 race, color, creed, religion, ancestry, gender, sexual orientation,
25 gender identity, physical or mental disability, or national origin.

26
27 (c) Restitution authorized. In addition to the penalties provided for above, the
28 court may order restitution up to the limits of the court's jurisdiction for damages sustained
29 by the victim of this offense directly related to the commission of the crime which may
30 include compensation for medical bills, counseling or therapy or damage to property
31 sustained by the victim as a result of the underlying criminal offense.

32
33 THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

34
35 SIGNED, SEALED AND DELIVERED THIS 24th DAY OF MARCH, 2024.

36
37
38
39
40 
41 JENNIFER ADKINS, CITY CLERK


42 BRENDA BETHUNE, MAYOR

43 1st Reading: 3-26-2024
2nd Reading: 4-9-2024