

**AN ORDINANCE**

**AN ORDINANCE TO PROVIDE FOR A SEPARATE OFFENSE OF BIAS-BASED INTIMIDATION IN GREENVILLE COUNTY.**

**WHEREAS**, Greenville County Council recognizes that Greenville County is home to residents with different and varied personal characteristics, including various races, religions, ethnicities, sexual orientations, genders, gender identities, and disabilities; and

**WHEREAS**, Greenville County Council finds that some crimes are motivated by hate or bias toward an individual because of the victim's personal characteristics; and

**WHEREAS**, Greenville County Council seeks to deter criminal activity against any person motivated by bias or hate towards an individual because of their personal characteristics;

**NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:**

**Section 1. Offense Defined.** A person who commits a crime in violation of a County Ordinance or State Statute within Greenville County and with the intent in whole or in part to cause harm, injury or damage to the person or property of the victim or to cause the victim to fear harm, injury, damage to their person or property, based on the actual or perceived personal characteristics of the victim, is guilty of the separate offense of bias-based intimidation. Personal characteristics include ethnicity, national origin, color, religion, sexual orientation, gender and gender identity, and/or physical or mental disability.

**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 specifies on the record why the sentences should run concurrently.

**Section 3. Restitution Authorized.** 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 compensation for medical bills, counseling or therapy or damage to property sustained by the victim as a result of the underlying criminal offense.

**Section 4. Severability.** Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be 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.** All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

**Section 6. Effective Date.** This ordinance shall take effect upon adoption.

**DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

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Herman G. Kirven, Jr. Chairman  
Greenville County Council

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Joseph M. Kernell  
County Administrator

ATTEST:

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Regina McCaskill  
Clerk to Council

First Reading:

Second Reading:

Third Reading: