

STATE OF SOUTH CAROLINA)

)

Ordinance No. 2024-002

TOWN OF ARCADIA LAKES)

WHEREAS, the residents and visitors of the Town of Arcadia Lakes are a diverse collection of individuals representing diverse races, colors, creeds, religions, ancestries, sexual orientations, genders, gender identities, physical and mental disabilities, and national origins; and

WHEREAS, the Town of Arcadia Lakes 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, sexual orientation, gender, gender identity, physical or mental disability, or national origin of any person are an affront to the values held by the Town; and

WHEREAS, the State of South Carolina has yet to adopt a statewide Hate Crime Legislation, and is only one of two states in the United States who have yet to adopt such protections for its citizens and visitors; and

WHEREAS, the Town of Arcadia Lakes desires to enact a new section of its Code of Ordinances in order 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, sexual orientation, gender, gender identity, physical or mental disability, or national origin of any person, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the ordinances of the Town; and

WHEREAS, Arcadia Lakes Town Council has the authority to enact new sections of its Code of Ordinances when deemed to be in the best interest of the town's citizens, and it now desires to do so, as displayed below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Arcadia Lakes, in Council assembled, Section 3-318 of the Arcadia Lakes Code of Ordinances titled *Hate Intimidation* is hereby enacted to specifically read as follows:

Section 3-318 HATE INTIMIDATION.

(A) A person who violates an offense as prohibited by Chapter 3, Article III of the Town of Arcadia Lakes Code of Ordinances, any act or omission which is prohibited or declared unlawful under this Code of Ordinances, or any provision of State law within the municipal limits of the Town of Arcadia Lakes, 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 section (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,

(1) 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 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.

(2) The Court may impose community service or participation in an educational program for violation of this Section.

(3) Any sentence may be suspended upon the defendant's completion of appropriate education, counseling, or community service employment as ordered by the Court.

(4) The Court may also designate that all or part of the fine be directed to support 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.

ENACTED IN REGULAR MEETING, this 2nd day of May, 2024.

Mark W. Huguley, Mayor

ATTEST:

Elizabeth Krajewski, Clerk/Treasurer

Scott Elliott, Town Attorney

First reading: April 4, 2024

Final reading: May 2, 2024