

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -25HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 18, OFFENSES, TO ADD A NEW SUBSECTION, HATE INTIMIDATION, TO ESTABLISHING THE OFFENSE AND TO PROVIDE A PENALTIES-PENALTY FOR HATE CRIMESEACH VIOLATION.

WHEREAS, the residents and visitors of the County of Richland represent a diverse group of citizens based on races, colors, creeds, religions, ancestries, sexual orientations, genders, gender identities, physical and mental disabilities, and national origins; and

WHEREAS, the County of Richland values the diversity of its community and it must protect its residents and visitors from intimidation, threats, crimes, and hate towards a person because of their actual or perceived ethnicity, national origin, religion, sexual orientation, gender, gender identity, social identity and/or physical or mental disabilities. -This ordinance is to help deter crimes motivated by bias or hate towards any person or persons; ~~and.~~

~~WHEREAS, the Federal Bureau of Investigation defines a hate crime, “as a criminal offense against a person or property motivated in whole or in part by an offender’s bias against race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”; and~~

~~WHEREAS, a hate crime can be classified into three main types: physical assault of any kind, verbal abuse, and incitement to hatred (i.e., words, pictures, and videos describing violence against anyone due to their perceived differences; chat forums in which people ask other people to commit hate crimes against a specific person or group; music and information on websites calling for violence against a specific person or group).~~

WHEREAS, the County of Richland is responsible ~~for with~~ protecting the health, safety, and welfare of those in its community and ~~to for~~ enacting ordinances not inconsistent with the Constitution and general law of this State of any nature that are not prohibited by law, or the Constitution of the United States as stated in 5-13-30 (9-10) of the South Carolina Code of Laws; 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 ~~that to~~ have yet ~~to~~-adopt such protections for its citizens and visitors; and

~~WHEREAS, Richland County Council has the authority to enact new sections of its Code of Ordinances when deemed to be in the best interest of the county’s citizens, and it now desires to do so, as displayed below.~~

NOW, THEREFORE, County Council, pursuant to S.C. Code, Ann. Section 4-9-30(14), which authorizes a county governing body to enact ordinances for the implementation and enforcement of the powers granted under Home Rule, Title 4 of the South Carolina Code of Laws, adopts this

ordinance. BE IT ORDAINED by the County Council Chair and Councilmembers of the County of Richland, in Council assembled, Section _____ of the Richland County Code of Ordinances titled Establishing Penalties for Hate Crimes is hereby enacted to specifically read as follows:

SECTION I. The Richland County Code of Ordinances: Chapter 18, Offenses, is hereby amended by adding:

Sec. 18- . Hate Intimidation.

(a) Definitions.

Whenever used in this section, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Hate Material. Content which advocates or promotes genocide or hatred against a group of people based on religion, race, ethnicity, gender, gender identity, sexual orientation, national origin, or disability.

Minor Child. A person under the age of eighteen years and residing with the person's parent(s) or legal guardian(s).

Ordinance Offense. An offense defined in Sec. 18 of the Richland County Code of Ordinances.

State Crime. An offense or crime defined in Title 16 the South Carolina Code of Laws, as amended.

(b) Offenses defined.

~~(a) (1) A person who is charged with committing an Ordinance Offense or State Crime within the unincorporated area of Richland County with the intent, in whole or in part, to cause or cause the fear of harm, injury, or damage to the victim's person or property because of the victim's actual or perceived race, ethnicity, national origin, color, religion, sexual orientation, gender, gender identity, social identity, or disability, whether or not the perception is correct, is guilty of the separate hate crime offense of hate intimidation. Any person(s) committing a violent crime as defined in Section 16-1-60 of the South Carolina Code of Laws (SCCL), a harassment or stalking offense pursuant to Article 17 of SCCL, cross burning pursuant to Section 16-7-120 of the SCCL, or a malicious injury offense as provided in Section 16-11-510 or 16-11-520 of the SCCL, and the offense was committed against a victim who was intentionally selected, or the property of the victim was intentionally selected because of the actual or perceived race, ethnicity, national origin, color, religion, sexual orientation, gender, gender identity, social identity, and/or physical or mental disabilities, whether or not the perception is correct, the person is guilty of a separate offense of hate crimes and shall be punished as provided in item (b) here within.~~

~~(2) A person who disseminates, within the unincorporated area of Richland County, hate material on any public, commercial, or residential property without the permission of the property owner is guilty of the separate hate crime offense of hate intimidation.~~

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(bc) **Criminal enforcement. Penalties.**

~~Fines imposed under this section for contemporaneous or concurrent violations of this section shall be assessed for each violation,~~

~~(1) A person who violates any provision of this section, and is charged by a law enforcement officer with committing a State Crime or a Richland County code enforcement officer with committing an ordinance offense, violation of this section shall also be charged by that officer with a violation of this section and be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both, and may be required by the court to make restitution, a misdemeanor punishable by a fine of not more than \$500.00, and/or imprisonment for not more than thirty (30) days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense (such as an assault or a threat) unless the court articulates on the record the reasons why the sentences should run concurrently.~~

~~(2) The parent(s) or legal guardian(s) parent of a minor child charged with violating any provision of this section shall be liable for any damages that caused by the minor child and is shall be required to pay under subsection (b) (1) of this section any restitution ordered pursuant to this section, if any action or omission of the parent(s) or legal guardian(s) contributed to the action(s) of the minor child.~~

~~(3) A court may impose community service or participation in an educational or counseling program for the violation of this section.~~

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~~(4) Any sentence may be suspended on completion of appropriate education, counseling, or community service by the defendants 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 court flexibility in selecting effective penalties in appropriate cases.~~

~~(5) All fines paid and collected pursuant to this section shall be used to support educational programs designed to combat bias based on ethnicity, national origin, color, religion, sexual orientation, gender and gender identity, or physical or mental disability.~~

~~(6) As used in this section "educational program" shall mean an educational program approved by the county that is conducted by a public or not for profit entity within the~~

county limits and that provides training relating to the harm or damage to individuals or society caused by bigotry on the basis of race, color, creed, religion, ancestry, gender, sexual orientation, disability or national origin.

~~(de) Restitution authorized. In addition to the penalties provided above, the Court may order restitution for any damages sustained by the victim of offenses directly related to the commission of the crime. This restitution may include but not limited to, medical bills, counseling or therapy, or any property damage that was sustained by the victim as a result of the criminal offense.~~

~~(d) In addition, no person(s) shall disseminate hate material on any public property or on any commercial property, or residential property without the permission of the owner of the residential property within the county limits of Richland. "Hate material" is defined as content which advocates or promotes genocide or hatred against a group of people based on religion, race, gender, ethnicity, gender identity, sexual orientation, national origin, and/or any type of disability. Remedies not exclusive.~~

The provisions of this ordinance are in addition to, and not in lieu of, any other enforcement provision or process permitted by law. Nothing in this ordinance supplants, alters, or limits a statutory or common law right of a person to bring an action in court or the right of Richland County to prosecute a person for the commission of hate intimidation or any other hate crime.

SECTION II. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2025.

RICHLAND COUNTY COUNCIL

BY: _____
Jessica Mackey, Chair

ATTEST THIS THE _____ DAY

OF _____, 2025.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

DRAFT