

ORDINANCE 2025 – 09

AN ORDINANCE TO AMEND TITLE 9 OFFENSES, CHAPTER 2 OFFENSES AGAINST  
PUBLIC PEACE, TO INCLUDE REGULATIONS ON HATE INTIMIDATION

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

WHEREAS, the City of Isle of Palms 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, gender identity, physical or mental disability, or national origin of any person are an affront to the values held by the City; and

WHEREAS, the State of South Carolina does not adequately address hate crimes, 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 City of Isle of Palms 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, gender, 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 City; and

WHEREAS, Isle of Palms City Council has the authority to enact new sections of its Code of Ordinances when deemed to be in the best interest of the citizens of the City, and now desires to do so as displayed below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the City of Isle of Palms, in Council assembled, Section 9-2-7 of the City of Isle of Palms Code of Ordinances titled Hate Intimidation is hereby enacted to specifically read as follows:

9-2-7 HATE INTIMIDATION.

(a) A person who violates Title 9 of the City of Isle of Palms Code of Ordinances, any act or omission which is prohibited or declared unlawful under this the City's Code of Ordinances, or any provision of State law within the municipal limits of the City of Isle of Palms, 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 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. The trier of fact whether, a jury or the Municipal Judge if the defendant waives his/her right to a jury trial, must find the

defendant guilty beyond a reasonable doubt. A person cannot be found guilty of Hate Intimidation unless he/she is first convicted under the underlying crime and Hate Intimidation may not be used as a standalone crime.

(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 completion by the defendant of appropriate education, counseling or community service employment as ordered by the Court.
- (4) 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.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 26th DAY OF August, 2025.

  
Phillip Pounds, Mayor

  
Nicole DeNeane, City Clerk

