

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 38 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR ENHANCED PENALTIES FOR CERTAIN CODE VIOLATIONS EVIDENCING; BY PROVIDING FOR THE COLLECTION AND DISSEMINATION OF INVESTAGATORY DATA BY AND FOR LAW ENFORCEMENT AGENCIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS Section 2.11 of the Charter for the City of Sandy Springs states that the Sandy Springs City Council shall have the authority to “adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Sandy Springs...”; and

WHEREAS hate or bias-motivated crimes terrorize individual victims and their families, institutions and businesses; and

WHEREAS, hate or bias-motivated crimes can have far reaching effects on large segments of the communities in which they take place; and

WHEREAS hate or bias-motivated crimes are more than acts of violence and destruction, they are attacks on the very values which are pillars of the City of Sandy Springs; and

WHEREAS, laws against hate or bias-motivated crimes do not criminalize “hate speech”, but rather such laws increase the punishment for criminal acts where it has also been alleged and proven beyond a reasonable doubt; that the victims were selected or targeted because of their actual or perceived identity; and

WHEREAS, effective response to hate or bias-motivated incidents and crimes not only brings justice to victims and their communities, but it also strengthens the relationship between law enforcement and the communities they serve; and

WHEREAS the City of Sandy Springs is inclusive of all, irrespective of (and without limitation of) race, color, religion, national origin, sexual orientation, gender, gender identity, or physical or mental disability; and

WHEREAS the Mayor and City Council of Sandy Springs hold that the diversity that exists within our community should be embraced, and that the City is more vibrant and stronger because of the diversity of our citizens; and

WHEREAS the Mayor and the City Council reject hate in all its forms and the damage to our City that comes as a result of expressions of hate; and

WHEREAS, the importance and utility of collection of accurate data about hate or bias-motivated crimes is widely recognized by law enforcement agencies.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances is amended as follows:

SECTION I: Article I of Chapter 38 relating to Offenses and Miscellaneous Provisions is hereby amended by adding Section 38-4 to provide for enhanced penalties for hate crimes and for other purposes, and will read as follows:

Sec. 38-4. – Enhanced Penalties for Hate Crimes

(a). Enhanced Penalties:

1. At any time after the filing of an indictment or accusation for a violation of Sandy Springs Municipal Code Sec(s). 38-23, 38-54, 38-58, 38-63, 38-168 and/or 38-186, but not later than the arraignment, the City shall notify the defendant of its intention to seek the enhanced penalty or penalties authorized by this Section. The notice shall be in writing and shall allege the specific factor or factors authorizing an enhanced sentence in the case.
2. Subject to the notice requirement provided in subsection (a)(1) above and in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable doubt that the defendant accused of violating any of the Code Sections listed in subsection (a)(1) above intentionally selected any victim or group of victims or any property as the object of the offense 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 such victim or group of victims, the judge imposing the sentence shall impose an increased sentence of imprisonment and/or fine up to and including the maximums permitted under Sandy Springs Municipal Code Section 1-10 and applicable state law. In addition or in lieu thereof, the Court may also impose community service or participation in an educational program as defined in subsection (c), below.
3. The Judge shall state when he or she imposes the sentence the amount of the increase of the sentence based on the application of subsections (a)(1) and (2) of this Code section.

(b). Fines imposed for concurrent or contemporaneous violation of more than one of the Code sections listed in subsection (a)(1) above may be assessed an enhanced penalty under this section for each violation.

(c). All fines paid and collected pursuant to this section shall be used to support educational programs. As used in this section, "educational program" means a program approved by the City that is conducted by a public or not-for-profit entity within the city limits and that provides training relating to the harm or damage to individuals or society caused by bigotry on the basis of race, color, religion, national origin, sexual orientation, gender, gender identity, physical or mental disability.

(d). As used in this section, "gender identity" means gender-related identity, appearance, or behavior, regardless of whether such gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

SECTION II: Division 2 of Article IV of Chapter 2 relating to the Police Department is hereby amended by adding Section 2-207 to provide for the collection and transmission of hate crime data and for other purposes, and will read as follows:

Sec. 2-207. - Hate Crime Data Collection

The Sandy Springs Police Department, to the maximum extent possible, shall provide the Federal Bureau of Investigation with data concerning the commission of a crime motivated by hate, in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act (as amended).

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

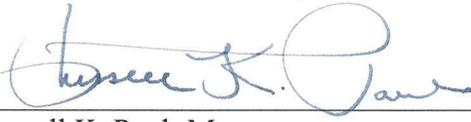
SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED this 16th day of July, 2019.

CITY OF SANDY SPRINGS, GEORGIA

By: 
Russell K. Paul, Mayor

Attest:


Coty Thigpen, City Clerk
(SEAL)

