ORDINANCE NO. 17885

AN ORDINANCE introduced by Councilmembers Gary Price, Duane Pomeroy, Clark Duffy and Lisa Hecht making it unlawful to commit certain crimes by reason of any motive of intimidation or bias based on the race, religion, creed, color, sex, sexual orientation, disability, national origin or ancestry, or age of an individual or group.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Intimidation or Bias Crimes.

(a) Any person who violates or attempts to violate any of the following ordinances of the Code of the City of Topeka, Kansas, and any amendments thereto, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the race, religion, color, sex, sexual orientation, disability, national origin or ancestry, or age of another individual or group of individuals shall be guilty of a misdemeanor:

1. Uniform Public Offense Code (hereinafter “UPOC”) 3.1, Battery;
2. UPOC 3.3, Assault;
3. Code Section 54-121, Disorderly Conduct;
4. UPOC 6.6, Criminal Damage to Property;
5. Code Section 54-39, Criminal Trespass;
6. UPOC 9.10, Telephone Harassment;
7. Code Section 54-101, Carrying a Deadly Weapon;
8. Code Section 54-102, Discharge of Firearms;
9. Code Section 54-103, Drawing a Weapon upon Another.

(b) Any person who, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the race, color, sex, religion, national origin,
age, sexual orientation, ancestry, or disability of another individual or group of individuals knowing assembles with two or more persons and agrees with such person or persons to violate any of the criminal laws of the state of Kansas or of the United States with force or violence shall be guilty of a misdemeanor.

Section 2. Penalty.

(a) Upon a first conviction of a violation of the provisions of this section a person shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars ($250.00) nor more than two thousand five hundred dollars ($2,500) or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) On a second or subsequent conviction of a violation of the provisions of this section a person shall be deemed guilty of a misdemeanor and shall be sentenced to imprisonment of not less than five days nor more than one year and a fine of not less than five hundred dollars ($500.00) nor more than two thousand five hundred dollars ($2,500).

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council ______________________

[Signature]

Harry Felker, Mayor

ATTEST:

[Signature]

Iris E. Walker, City Clerk

APPROVED AT FORM AND LEGALITY
DATE 9/14/02 BY BL
TO BE CODIFIED Y
NOT TO BE CODIFIED N

LORD/BIAS CRIMES 09/11/02 2