

ORDINANCE NO. _____

ENTITLED: “AN ORDINANCE CREATING A NEW SECTION 9.08.120, MALICIOUS HARASSMENT BASED ON RACE, COLOR, RELIGION, ANCESTRY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, NATIONAL ORIGIN, OR DISABILITY, OF CHAPTER 9.08, OFFENSES AGAINST PUBLIC PEACE AND DECENCY, OF TITLE 9, PUBLIC PEACE AND WELFARE, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING.”

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE WYOMING:

Section 1. That a new Section 9.08.120, malicious harassment based on race, color, religion, ancestry, sex, sexual orientation, gender identity and expression, national origin, or disability, of Chapter 9.08, Offenses Against Public Peace and Decency, of Title 9, Public Peace and Welfare, of the code of the City of Cheyenne, Wyoming, is hereby created as set out in this ordinance.

9.08.120 Malicious harassment based on race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, or disability.

A. It shall be unlawful and an offense for any person to maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, or disability, commit any of the following acts:

1. Assault, batter, assault and batter of another person;
2. Damage, destroy, vandalize, deface, trespass upon, or steal any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by subparagraph 1. or 2. of this subsection if there is reasonable cause to believe that such act will occur.

B. It shall be unlawful and an offense for any person to maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person’s race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, or disability, make or transmit, or cause or allow to be made or transmitted, any telephonic, computerized, or electronic message.

C. It shall be unlawful and an offense for any person to maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person’s race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, or disability, broadcast, publish, or distribute, or cause or allow to be broadcast, published, or distributed, any message or material.

D. Any person violating any provision of subsection A., B. or C. of this section shall be guilty of a misdemeanor on a first offense and, upon conviction, shall be punished pursuant to the general provisions of Section 1.24.010 of the city code, excluding costs, fees, and assessments, or by both such fine and imprisonment.

Section 2. That this ordinance shall be in full force and effect upon passage and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

Patrick Collins, Mayor

(SEAL)

ATTEST:

Kristina F. Jones, City Clerk

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