

ORDINANCE NO. 1303

AN ORDINANCE OF THE CITY OF ROSWELL AMENDING CHAPTER 1, SECTION 1-8.2 OF THE ROSWELL CITY CODE WITH RESPECT TO OFFENSES AGAINST PERSONS AND PROPERTY BASED UPON ACTUAL OR PERCEIVED RACE, RELIGION, COLOR, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION OR DISABILITY; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS the Governing Body, the City Council of Roswell, New Mexico, desires to prescribe regulations relating to offenses against persons and property based upon actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation or disability.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO, that:

Section 1. Chapter 1 of the Roswell City Code is hereby amended to add the following:

Section 1-8.2. Offenses against persons or property based upon actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation or disability.

(a) When a separate finding of fact by the Court shows that in the commission of violating an Ordinance listed in Chapter 16 a person intentionally injures another person or intentionally damages another person's property because of animus motivated by actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation or disability, regardless of whether or not the offender's belief or perception was correct, the basic sentence of incarceration prescribed for the offense in Section 1-8 shall be enhanced to a minimum of thirty (30) days, which sentence shall not be deferred or probated but must be served, and the basic fine prescribed for this section, shall be enhanced to a minimum of two-hundred and twenty-four dollars (\$224.00), which fine shall not be suspended.

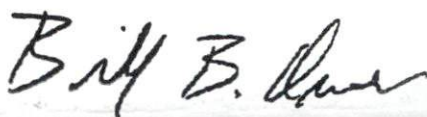
(b) As used in this section, "disability" means a physical, developmental or mental impairment that substantially limits one or more of a person's functions, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing or learning.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

Section 4. Effective date. This ordinance shall be effective five (5) days following its publication.

PASSED, ADOPTED, SIGNED AND APPROVED this 12th day of March, 1998.



CITY SEAL

BILL B. OWEN, Mayor

ATTEST:



Timothy D. Stoessel, City Clerk