## CITY OF ALBUQUERQUE **CITY COUNCIL**

## **INTEROFFICE MEMORANDUM**

TO:

Richard J. Berry, Mayor

FROM:

SUBJECT: Transmittal of Legislation

Transmitted herewith is <u>Bill No. O-16-26</u> Adopting A New Section Or Article 2 Chapter 12 ROA 1994, Offenses Relating To Public Order And Safety Within The Criminal Code Of Albuquerque; Proscribing Criminal Threats Against Schools Or Public Places (Davis), which was passed at the Council meeting of November 7, 2016, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm Attachment 11/9/16

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## CITY of ALBUQUERQUE TWENTY-SECOND COUNCIL

C	OUNC	IL BILL NO. O-16-26 ENACTMENT NO. DOLLO							
SPONSORED BY: Patrick Davis									
	1	ORDINANCE							
	2	ADOPTING A NEW SECTION OR ARTICLE 2 CHAPTER 12 ROA 1994,							
	3	OFFENSES RELATING TO PUBLIC ORDER AND SAFETY WITHIN THE							
	4	CRIMINAL CODE OF ALBUQUERQUE; PROSCRIBING CRIMINAL THREATS							
	5	AGAINST SCHOOLS OR PUBLIC PLACES.							
	6	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF							
	7	ALBUQUERQUE:							
	8	SECTION 1. Findings							
	9	WHEREAS, violent threats against schools which threaten the safety of our							
	10	community and children have seen a dramatic rise in recent years; and							
_	11	WHEREAS, the nature and origin of such threats have expanded to more							
- New Deletion	12	modern forms of media such as email or social media, which forms have not							
- New Deletic	13	traditionally been subject to existing criminal laws against threats to public							
		safety; and							
	15	WHEREAS, notwithstanding the reality of such threats, this ordinance is							
rikethrough Material -	16	drafted with a commitment to honor protected speech and first amendment							
	17	rights.							
	18	SECTION 2. Section 12-2-29, ROA 1994, is hereby adopted as follows:							
ىك ا۔		"(A) SHORT TITLE.							
	20	SECTION §12-2-29 ROA 1994 shall be known and cited as the "Safe Schools							
* # # # # # # # # # # # # # # # # # # #	21	and Public Places Ordinance".							
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	23	CRIMINAL THREAT TO A SCHOOL OR PUBLIC PLACE. For purposes of							
	24	this section a criminal threat to a school or public place is any true threat,							
	25	other than a "bomb scare" as already proscribed under NMSA 1978 § 30-20-16,							
	26	to commit violence communicated with intent to place another in fear, or to							
	27	cause the evacuation, lock down or disruption in regular, ongoing activities of							

	3	evacuation, lock down or disruption in regular, ongoing activities.				
	4	(C) CRIMINAL THREATS TO SCHOOLS OR PUBLIC PLACES UNLAWFUL. It is				
	5	unlawful for any person to make or cause to be made any criminal threat to a				
	6	school or public place."				
	7	SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,				
	8	clause, word or phrase of this Ordinance is for any reason held to be invalid or				
	9	unenforceable by any court of competent jurisdiction, such decision shall not				
	10	affect the validity of the remaining provisions of this Ordinance. The Council				
	11	hereby declares that it would have passed this Ordinance and each section,				
	12	paragraph, sentence, clause, word or phrase thereof irrespective of any				
	13	provision being declared unconstitutional or otherwise invalid.				
	14	SECTION 4. COMPILATION. SECTION 2 of this Ordinance shall be				
	15	incorporated in and made part of the Revised Ordinances of Albuquerque,				
	16	New Mexico, 1994.				
	17	SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days				
> G	18	after publication by title and general summary.				
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any school building, public building or space, or place of assembly or facility

or transportation, or in reckless disregard of the risk of causing such fear or

1	PASSED AND ADOPT	ED THIS	<u>7th</u>	_ DAY OF _	November, 2016			
2	BY A VOTE OF:	9	FOR	0	AGAINST.			
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