

CITY of ALBUQUERQUE TWENTY-SECOND COUNCIL

COUNCIL BILL NO. O-16-26 ENACTMENT NO. _____

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
12 modern forms media such as email or social media, which forms have not
13 traditionally been subject to existing criminal laws against threats to public
14 safety; and

15 WHEREAS, notwithstanding the reality of such threats, this ordinance is
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:

19 “(A) SHORT TITLE.
20 SECTION §12-2-29 ROA 1994 s
21 and Public Places Ordinance”.

22 (B) DEFINITIONS.

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

1 any school building, public building or space, or place of assembly or facility
2 or transportation, or in reckless disregard of the risk of causing such fear or
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. COMPIRATION.** 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
18 after publication by title and general summary.