

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-84 ENACTMENT NO. _____

SPONSORED BY: Patrick Davis

1 **ORDINANCE**

2 **AMENDING CHAPTER TWELVE, ARTICLE TWO, SECTION TWENTY-NINE OF**
3 **THE REVISED ORDINANCES OF ALBUQUERQUE OFFENSES RELATING TO**
4 **PUBLIC ORDER AND SAFETY WITHIN THE CRIMINAL CODE OF**
5 **ALBUQUERQUE TO PROSCRIBE CRIMINAL THREATS OF MASS VIOLENCE.**

6 **WHEREAS, acts of mass violence continue to occur and threaten the safety**
7 **of public spaces dedicated to education, commerce, worship; entertainment,**
8 **and elsewhere; and**

9 **WHEREAS, media reports indicate that many acts of mass violence were**
10 **precipitated by threats or warnings on social media or other electronic, online**
11 **platforms; and**

12 **WHEREAS, tools that aid in the early identification and investigation of**
13 **such threats have been successful around the country in helping prevent acts**
14 **of violence against the public; and**

15 **WHEREAS, the City has an existing law that prohibits criminal threats to**
16 **schools or public places which has been instrumental in promoting the health,**
17 **safety and welfare of the City; and**

18 **WHEREAS, the existing law should be supplemented to similarly prohibit**
19 **threats of mass violence.**

20 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
21 **ALBUQUERQUE:**

22 **SECTION 1. Section 12-2-29, ROA 1994, is hereby adopted as follows:**

23 **“(A) *Short Title.* Section §12-2-29 ROA 1994 shall be known and cited as**
24 **the “Safe Schools and Public Places Ordinance”.**

25 **(B) DEFINITIONS.**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 CRIMINAL THREAT TO A SCHOOL OR PUBLIC PLACE. For purposes of
2 this section a *CRIMINAL THREAT TO A SCHOOL OR PUBLIC PLACE* is any
3 true threat, other than a “bomb scare” as already proscribed under NMSA
4 1978 § 30-20-16, to commit violence communicated with intent to place
5 another in fear, or to cause the evacuation, lock down or disruption in regular,
6 ongoing activities of any school building, public building or space, place of
7 assembly or facility or transportation or in reckless disregard of the risk of
8 causing such fear or evacuation, lock down or disruption in regular, ongoing
9 activities.

10 [CRIMINAL THREAT OF MASS VIOLENCE. For purposes of this section, a
11 CRIMINAL THREAT OF MASS VIOLENCE is any threat made by any means of
12 communication that could reasonably lead to the harm, injury, or death of two
13 or more people at any place accessible to the general public including but not
14 limited to a school, or any place of worship, business, commerce, recreation
15 or entertainment.]”

16 (C) CRIMINAL THREATS TO SCHOOL OR PUBLIC PLACES UNLAWFUL. It
17 is unlawful for any person to make or cause to be made any criminal threat to
18 a school or public place.

19 [(D) CRIMINAL THREAT OF MASS VIOLENCE UNLAWFUL. It is unlawful for
20 any person or group of persons to make or cause to be made any criminal
21 threat of mass violence.]”

22 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
23 clause, word or phrase of this Ordinance is for any reason held to be invalid or
24 unenforceable by any court of competent jurisdiction, such decision shall not
25 affect the validity of the remaining provisions of this Ordinance. The Council
26 hereby declares that it would have passed this Ordinance and each section,
27 paragraph, sentence, clause, word or phrase thereof irrespective of any
28 provision being declared unconstitutional or otherwise invalid.

29 SECTION 3. COMPILATION. SECTION 1 of this Ordinance shall be
30 incorporated in and made part of the Revised Ordinances of Albuquerque,
31 New Mexico, 1994.

32 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days
33 after publication by title and general summary.