CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-84 ENACTMENT NO. O-2020-031

SPONSORED BY: Patrick Davis

ORDINANCE

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

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

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

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

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

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

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

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

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

(B) DEFINITIONS.

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

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

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

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

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

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

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

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PASSED AND ADOPTED THIS 21st DAY OF September, 2020
BY A VOTE OF: 8 FOR 0 AGAINST.

Excused: Harris

Patrick Davis, President
City Council

APPROVED THIS 1 DAY OF October, 2020

Bill No. O-19-84

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, City Clerk

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