



# City of Albuquerque

City of Albuquerque  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Legislation Details (With Text)

**File #:** O-16-26  
**Type:** Ordinance  
**File created:** 10/5/2016  
**Status:** Enacted  
**In control:** City Council  
**Final action:** 11/7/2016  
**Enactment date:** 11/23/2016  
**Enactment #:** O-2016-023  
**Title:** 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)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-26, 2. O-26final

Date	Ver.	Action By	Action	Result
11/23/2016	2	City Clerk	Published	
11/21/2016	2	Mayor	Signed by the Mayor	
11/18/2016	1	City Council	Sent to Mayor for Signature	
11/7/2016	1	City Council	Passed	Pass
10/17/2016	1	City Council	Accepted with a Recommendation Do Pass	
10/10/2016	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass	Pass
10/5/2016	1	City Council	Introduced and Referred	
10/5/2016	1	President	Referred	

## CITY of ALBUQUERQUE TWENTY-SECOND COUNCIL

COUNCIL BILL NO. O-16-26 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Patrick Davis

### ORDINANCE

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)

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

SECTION 1. Findings

WHEREAS, violent threats against schools which threaten the safety of our community and children have seen a dramatic rise in recent years; and

WHEREAS, the nature and origin of such threats have expanded to more modern forms of media such as email or social media, which forms have not traditionally been subject to existing criminal laws against threats to public safety; and

WHEREAS, notwithstanding the reality of such threats, this ordinance is drafted with a commitment to honor protected speech and first amendment rights.

SECTION 2. 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.

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, or 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.

(C) CRIMINAL THREATS TO SCHOOLS 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.”

SECTION 3. 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 4. COMPILATION. SECTION 2 of this Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

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