



City of Omaha  
Jean Stothert, Mayor

**Office of the Mayor**  
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Honorable President

and Members of the City Council

The attached ordinance provides for the creation of a Hate Intimidation offense to the Omaha Municipal Code. This ordinance would allow the City of Omaha to join a growing number of cities who have enacted or plan to enact similar ordinances. Currently, there is no discrimination based offense contained within our code. While Nebraska statutes have a hate crime enhancement provision, this does not apply to violations of the Omaha Municipal Code. This new ordinance would allow for the separate prosecution of Hate Intimidation. This ordinance is not an enhancement; it is a separate offense with a separate penalty.

It is important to note that this offense seeks to address criminal acts. It does not criminalize speech. There are many times when the Omaha Police and the prosecutor determine that our ordinance is the more appropriate offense and not state law. This ordinance would give law enforcement and prosecutors the ability to properly charge an individual with a discrimination based offense. Every effort was made to properly include protected classes of people in keeping with current state and federal law.

It is my hope that the City Council considers the important message this type of ordinance sends. This means that individuals, who commit a crime against another person because of that victim's age, race, gender, ethnicity or other recognized protected class, can be properly and adequately made responsible. I respectfully ask the City Council to pass this ordinance.

Respectfully Submitted,

Referred to City Council for Consideration

Jean Stothert 5/13/20  
Jean Stothert, Mayor Date

Jean Stothert 5/13/20  
Jean Stothert, Mayor Date

Todd R. Le 5/13/20  
Todd Schmaderer Date  
Chief of Police

Franklin Thompson 5-13-20  
Franklin Thompson Date  
Human Rights & Relations Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to add Section 20-13 to create the offense of Hate Intimidation; and to provide  
an effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA

Section 1. That Section 20-13 of the Omaha Municipal Code is hereby created to read  
as follows:

**Sec. 20-13. Hate Intimidation**

A person who violates another section of this chapter with the intent to intimidate another person or persons in whole or in part because of the actual or perceived race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age, or physical or mental disability of the other person or persons is guilty of the separate offense of hate intimidation and shall be punished as provided by section 1-10 and in accordance with subsection (a).

(a) The offense defined in this section shall be treated as a separate and distinct offense from the violation of another section of this chapter being committed and the sentence imposed shall be consecutive to any other sentence imposed.

Section 2. This ordinance, being legislative in character, and in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, shall be in full force and take effect fifteen (15) days following the date of its passage.

INTRODUCED BY COUNCILMEMBER

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APPROVED BY:

PASSED \_\_\_\_\_

\_\_\_\_\_  
MAYOR OF THE CITY OF OMAHA    DATE

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF OMAHA    DATE

APPROVED AS TO FORM:

 5/13/2000  
DEPUTY CITY ATTORNEY    DATE