

City of Cincinnati

KMB/B

AWB

An Ordinance No. _____

- 2021

MODIFYING Cincinnati Municipal Code Chapter 908, “Crimes Against the Person,” by amending Section 908-3, “Criminal Intimidation,” for the purpose of adding “gender identity” and “gender expression” to the list of people protected by this Section.

WHEREAS, the Cincinnati Municipal Code occasionally must be updated to remove outdated language and ensure the most accurate terms and definitions are used to express the intention and purpose of the laws of the City of Cincinnati; and

WHEREAS, the terminology in Section 908-3 of the Municipal Code surrounding the protections of transgender individuals needs to be clarified to ensure the intended application of the law using the most current accepted language; and

WHEREAS, Council desires to amend Section 908-3 of the Municipal Code so that it applies to a criminal charge made under the Municipal Code or under parallel provision in the Ohio Revised Code; now, therefore.

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 908-3, “Criminal Intimidation,” is amended to read as follows:

Sec. 908-3. Criminal Intimidation.

(A) No person shall violate section 908-5, 908-7, 908-9, 908-11, 908-13, paragraphs (A)(3), (4), or (5) of section 908-15, or section 907-3 of the Municipal Code, or section 2903.13, 2903.21, 2903.22, 2909.06, 2909.07, or paragraphs (A)(3), (4), or (5) of section 2917.21 of the Ohio Revised Code by reason of the actual or perceived race, color, religion, national origin, gender, physical or mental disability, homeless status, sexual orientation, gender identity, gender expression, or age (60 and above) of another person or group of persons.

(B) *Definitions:* For the purposes of this section, the words and phrases used herein shall have the meanings respectively ascribed to them unless the context clearly indicates or requires a different meaning.

“Gender expression” shall mean the external appearance of one’s gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

“Gender identity” shall mean one’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned at birth.

"Homeless Individual" shall mean:

- a) An individual who lacks a fixed, regular, and adequate residence;
- b) An individual with a nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including but not limited to: a car, park, abandoned building, bus or train station, camping ground, overpass, woods, benches, parking garage, or doorway;
- c) An individual who lives some or all of the time in a publicly or privately operated shelter, transitional housing, motel, hotel, detoxification facility, hospital, nursing home, jail or any other facility meant for temporary residence;
- d) An individual who is exiting a facility meant for temporary residence or residing in a temporary residence pending transition to a permanent residence;
- e) An individual exiting jail or prison without a permanent residence to go to; or
- f) An individual abandoned at a hospital or awaiting foster care placement.

"Homeless Status" shall mean an individual's actual or perceived status as a homeless individual.

"Sexual orientation" shall mean an individual's actual or perceived heterosexuality, homosexuality, or bisexuality ~~or transgender status~~, by orientation or practice.

"Transgender" shall mean the condition or state wherein a person manifests gender characteristics, behavior and/or self-identification typical of or commonly associated with persons of another gender, and which may be characterized by assumption of the clothes, hairstyles, cosmetic usage or other appearance qualities commonly associated with another gender and/or by the surgical or medical modification of primary sexual organs in order to assume the gender role of another sex

- (C) Whoever violates this section is guilty of criminal intimidation, a misdemeanor of the first degree.

Section 2. That existing Section 908-3, "Criminal Intimidation," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.