

AN ORDINANCE REPEALING AND RESERVING SECTION 105 (UNLAWFUL USE OF TELEPHONE OR COMPUTER) AND REPEALING AND REORDAINING SECTION 107 (HARASSMENT) OF ARTICLE 2 (OFFENSES AFFECTING PUBLIC SAFETY) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO UNLAWFUL TELEPHONE OR COMPUTER USE AND HARASSMENT

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 105 (Unlawful Use of Telephone or Computer) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is repealed and reserved.

Section 2. Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is repealed and reordained to read as follows:

9.2.107: Harassment

A. It is unlawful for any person to commit harassment. A person commits harassment if, with intent to harass, annoy, or alarm another person, that person:

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
2. In a public place directs obscene language or makes an obscene gesture to or at another person; or
3. Follows a person in or about a public place; or

4. Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response; or

5. Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene; or

6. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

7. Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

C. Any act prohibited by paragraphs (5 through 7) of subsection (A) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, transmission, or other electronic communication was either made or received.

D. As used in this section, the term "person" shall include any single person or group of persons including families, households, businesses and other organizations.

E. This section is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

Section 3. Any person convicted of violations of Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public

Offenses) of the Code of the City of Colorado Springs 2001, as amended, shall be punished as provided in Sections 201 (General Penalty) and 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

DRAFT