



City of Pittsburgh

Text File

Introduced: 8/24/2009

Bill No: 2009-1707

Committee: Public Safety Services Committee

Status: Held In Council

Presented by Mr. Kraus

Ordinance amending the Pittsburgh City Code, Title Six: Conduct, Article I: Regulated Rights and Actions, Chapter 601: Public Order, by adding Section 601.19, titled "Concealing Identity."

WHEREAS, the City of Pittsburgh is committed to ensuring the safety of its residents by providing laws aimed at protecting public order; and

WHEREAS, the concealment of a person's identity through use of a hood, mask, or other similar identity-concealing device for the purpose of aiding the commission of unlawful activity is a non-communicative act; and

WHEREAS, this Ordinance will further the important governmental interests of deterring violence and facilitating the apprehension of wrong-doers who seek to hide their identities during the commission of unlawful activities; and

WHEREAS, this Ordinance is not intended to limit: 1) the right to wear masks during protests, rallies, parades, or other legal expressive activities; 2) freedom of association; or 3) one's right to otherwise engage in anonymous speech as protected by the United States Constitution; and

WHEREAS, by enacting this Ordinance, the City of Pittsburgh also does not intend to prohibit the wearing of hoods, masks, or other identity-concealing devices for emergency drills, holiday observances, theatrical productions, religious, safety, medical reasons, or for any reason other than to conceal one's identity while engaging in unlawful activity with the intent of avoiding identification; and

WHEREAS, the City of Pittsburgh seeks to further the aforementioned interests through the enactment of a content-neutral ordinance that prohibits the wearing of hoods, masks, or other identity-concealing devices only when worn with the specific intent of avoiding identification during the commission of unlawful activity.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh City Code is hereby amended by adding Section 601.19, titled "Concealing Identity", which Section shall read as follows:

CHAPTER 601: PUBLIC ORDER

§ 601.19 CONCEALING IDENTITY

- (a) No person shall, with the specific intent to hide one's identity during the commission of unlawful activity, wear a mask, hood or other device or means of hiding, concealing, or covering any portion of the face for the purpose of concealing his or her identity while on public or private property in the City.
- (b) No portion of this section shall be construed so as to punish constitutionally protected speech.
- (c) A person who violates this section shall be guilty of a summary offense, and, if convicted, shall be fined not more than three hundred dollars (\$300) and costs for each offense, and in default of payment thereof may be imprisoned for not more than thirty (30) days. Each day of a continuing violation shall constitute a separate and distinct offense.

Finally, that any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance, is hereby repealed so far as the same affects this Ordinance.

Effective Date: _____

Passed in Council: _____

Approved: _____

Recorded in R.B. _____ **page** _____

in City Clerk's Office.