



Louisville Metro Government

Meeting Agenda – Final

Public Safety Committee

March 19, 2025

4:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

2. **O-264-24** AN ORDINANCE REPEALING AND RE-ENACTING SECTION 130.01 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) AND AMENDING SECTIONS 130.99, 100.03, AND 100.11 REGARDING PROHIBITIONS ON MASK WEARING. (AMENDMENT BY SUBSTITUTION)

3/27/25 Metro Council Amended; Failed

3/19/25 Public Safety Committee Recommended for Disapproval

3/5/25 Public Safety Committee Held

2/5/25 Public Safety Committee Held

12/4/24 Public Safety Committee Held

Sponsors:

Louisville Metro
Government

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ORDINANCE NO. _____, SERIES 2025

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 130.01 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) AND AMENDING SECTIONS 130.99, 100.03, AND 100.11 REGARDING PROHIBITIONS ON MASK WEARING. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER PAULA McCRANEY

WHEREAS, the health and safety of the residents and visitors of Louisville Metro are of utmost importance to the Louisville Metro Government and the Louisville Metro Police Department (LMPD); and

WHEREAS, many individuals throughout the community are at higher risk for severe complications from airborne illnesses, including senior citizens, immunocompromised individuals, and those with pre-existing health conditions, making it a preference for some to exercise protective measures in public spaces; and

WHEREAS, the 2020 COVID-19 pandemic increased the prevalence of face mask-wearing, making it an everyday practice for many residents as a measure to reduce the spread of airborne pathogens, helping to protect individuals during times of heightened illness, including seasonal flu and other infectious diseases; and

WHEREAS, youth and young adults have embraced face masks not only for health reasons but also as a form of self-expression and fashion, incorporating masks as part of their daily attire; and

WHEREAS, Louisville Metro Government seeks to ensure that community members who wear masks are not subject to unwarranted suspicion, bias, or discrimination solely based on wearing a face covering; and

WHEREAS, Louisville Metro Government is committed to equipping peace officers with best practices training on the enforcement of a mask ordinance and respectfully

engaging with residents who choose to wear face masks; and training that promotes awareness, fairness, and the ability to differentiate between lawful, everyday activities and behaviors that may indicate criminal intent or criminal activity that warrants further observation or response; and

WHEREAS, it is critically important that individuals face no barriers to wearing masks for the protection of their health and the health of others, for purposes of religious expression, or to participate in holiday, cultural or celebratory events at which masks are customarily worn; and

WHEREAS, LMPD has recognized the increasing use of masks by suspects in violent crimes to obscure their identities when committing violent acts against Louisville Metro's residents; and

WHEREAS, violent crime prevention and safety in public spaces are top priorities for Louisville Metro and LMPD, and LMPD's public safety strategy to address violence includes being increasingly aware of suspects of violent crime; and

WHEREAS, Louisville Metro Government is dedicated to upholding public safety while respecting the rights and freedoms of all Louisville Metro residents; and

WHEREAS, LMPD's documentation of all mask-related stops and citations is the key to ensuring transparency and oversight; and

WHEREAS, Louisville Metro Government is dedicated to enforcing this ordinance fairly and equitably such that individuals are not stopped or detained for wearing a mask in the absence of a totality of circumstances that would create a reasonable articulable suspicion of a violation of law.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("THE COUNCIL") AS FOLLOWS:

SECTION I: Section 130.01 of LMCO is repealed and re-enacted as follows:

(A) It shall be unlawful for a person to cover a substantial portion of his or her face or to wear a personal disguise, whether complete or partial, for the purpose of:

(1) Avoiding identification or recognition during the commission of any criminal offense; or

(2) Concealment, flight, or escape, when charged with, arrested for, or convicted of any criminal offense.

(B) (1) Peace officers shall not stop or detain an individual solely on the basis that they are wearing a face covering.

(2) Ninety days after the effective date of this ordinance and thereafter on a quarterly basis, LMPD shall provide a statistical report on the enforcement of this ordinance to Metro Council and the Mayor. The report shall include:

(a) The underlying criminal offenses suspected at the time of the enforcement encounter, regardless of whether a citation was issued or an arrest was made;

(b) The age, race, and ethnicity of the individuals encountered;

(c) The time of the encounter;

(d) The street name, block number, and zip code at which the encounter occurred;

(e) Whether the individual was searched for weapons, and the type of weapon discovered, if any; and

(f) Any other information LMPD believes will ensure transparency and accountability in enforcement.

SECTION II: Section 100.11 of LMCO is amended in relevant part as follows:

~~—(H) It shall be unlawful for any person wearing a mask or hood in connection with a parade or public assembly not to remove the mask or hood at the conclusion of the parade or off the site of the public assembly.~~

SECTION III: Section 130.99 of LMCO is amended as follows:

~~—Any person who violates § 130.01 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100 or imprisonment not to exceed 50 days, or both.~~

A violation of Section 130.01(A) shall be a Class A misdemeanor, punishable by a fine not to exceed \$500 or a term of imprisonment not to exceed 12 months, or both.

SECTION V: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Brent Ackerson
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O’Connell
Jefferson County Attorney

BY: _____

ORDINANCE NO. _____, SERIES 2024

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 130.01 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) REGARDING PROHIBITIONS ON MASK WEARING.

SPONSORED BY: COUNCIL MEMBER PAULA MCCRANEY

WHEREAS, the health and safety of the residents and visitors of Louisville Metro are of utmost importance to the Louisville Metro Government and the Louisville Metro Police Department (LMPD); and

WHEREAS, many individuals throughout the community are at higher risk for severe complications from airborne illnesses, including senior citizens, immunocompromised individuals, and those with pre-existing health conditions, making it a preference for some to exercise protective measures in public spaces; and

WHEREAS, the 2020 COVID-19 pandemic increased the prevalence of face mask-wearing, making it an everyday practice for many residents as a measure to reduce the spread of airborne pathogens, helping to protect individuals during times of heightened illness, including seasonal flu and other infectious diseases; and

WHEREAS, youth and young adults have embraced face masks not only for health reasons but also as a form of self-expression and fashion, incorporating masks as part of their daily attire and contributing to a culture of health consciousness; and

WHEREAS, Louisville Metro Government is dedicated to upholding public safety while respecting the rights and freedoms of all Louisville Metro residents; and

WHEREAS, Louisville Metro Government seeks to ensure that community members who wear masks are not subject to unwarranted suspicion, bias, or discrimination solely based on wearing a face covering; and

WHEREAS, Louisville Metro Government is committed to equipping peace officers with best practices training on the enforcement of a mask ordinance and respectfully engaging with residents who choose to wear face masks; and training that promotes awareness, fairness, and the ability to differentiate between lawful, everyday activities and behaviors that may indicate criminal intent or criminal activity that warrants further observation or response; and

WHEREAS, documentation all mask-related stops and citations as the key to ensuring transparency and oversight; and

WHEREAS, Louisville Metro Government is dedicated to enforcing this ordinance fairly and equitably such that individuals are not stopped or detained for wearing a mask in the absence of a totality of circumstances that would create a reasonable articulable suspicion of a violation of law.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Section 130.01 of LMCO is repealed and re-enacted as follows:

(A) It shall be unlawful for a person to cover a substantial portion of his or her face or to wear a personal disguise, whether complete or partial, for the purpose of:

(1) Avoiding identification or recognition during the commission of any criminal offense; or

(2) Concealment, flight, or escape, when charged with, arrested for, or convicted of any criminal offense.

(B) A violation of this section shall be a Class A misdemeanor, punishable by a fine not to exceed \$500 or a term of imprisonment not to exceed 12 months, or both.

(C) (1) Peace officers shall not stop or detain an individual solely on the basis that they are wearing a face covering.

(2) One year after the effective date of this ordinance and thereafter on an annual basis, LMPD shall provide a statistical report on the enforcement of this ordinance to Metro Council and the Mayor. The report shall include:

(a) The underlying criminal offenses suspected at the time of the enforcement encounter, regardless of whether a citation was issued or an arrest was made;

(b) The age and race of the individuals encountered; and

(c) The addresses at which the encounters occurred.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____