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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 432

Session of  
1983

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INTRODUCED BY RICHARDSON, CARN, KUKOVICH, LINTON, WILLIAMS,  
EVANS AND PISTELLA, MARCH 16, 1983

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 1983

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AN ACT

1 Providing for damages payable by counties or cities of the first  
2 class to persons for injuries or deaths suffered in  
3 lynchings.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Antilynch  
8 Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "County." Includes every class of county, second through  
14 eighth class, and a city of the first class.

15 "Lynching." An act of violence by a mob upon the body of any  
16 person.

17 "Mob." A collection of people assembled for an unlawful  
18 purpose and intending to do damage or injury to anyone, or

1 pretending to exercise correctional power over other persons by  
2 violence and without authority of law.

3 "Serious injury." An injury that permanently or temporarily  
4 disables the person receiving it from earning a livelihood, by  
5 manual labor.

6 Section 3. Damages in case of assault.

7 A person taken from officers of justice by a mob and  
8 assaulted with whips, clubs, missiles or in any other manner,  
9 may recover from the county in which the assault is made,  
10 damages not to exceed \$1,000.

11 Section 4. Damages in case of lynching.

12 A person assaulted and lynched by a mob may recover, from the  
13 county in which the assault is made, a sum of not to exceed  
14 \$500; or, if the injury received therefrom is serious, a sum of  
15 not to exceed \$1,000; or, if the injury results in permanent  
16 disability to earn a livelihood by manual labor, a sum of not to  
17 exceed \$5,000.

18 Section 5. Damages recoverable by legal representative of  
19 victim of lynching.

20 (a) General rule.--The legal representative of a person  
21 dying from injuries received from lynching by a mob, may recover  
22 from the county in which the injury occurred, a sum not to  
23 exceed \$5,000 as damages for the killing. The sum shall be  
24 applied to the maintenance of the family and education of the  
25 minor children of the person until the children are of legal  
26 age; whereupon the sum shall be distributed to the survivors,  
27 share and share alike, the widow receiving an amount equal to a  
28 child's share. If there be no widow or minor children surviving  
29 the decedent, the sum shall be distributed among the next of kin  
30 in accordance with 20 Pa.C.S. § 2103 (relating to shares of

1 others than surviving spouse). The sum shall not be a part of  
2 the estate of a person who is lynched, nor shall it be subject  
3 to any of his liabilities.

4 (b) Minors.--If the decedent has minor children surviving  
5 him, the sum shall be turned over to a regularly appointed  
6 guardian. The guardian shall administer the fund under the  
7 direction of the orphans' court. Not more than \$500 shall be  
8 allowed for counsel fees in the action for such recovery.

9 Section 6. Person suffering death or injury from a mob trying  
10 to lynch another.

11 The provisions of this act shall apply to a person suffering  
12 death or injury from a mob while it is attempting to lynch  
13 another person. The person, or his legal representatives, shall  
14 have a like right of action as one purposely injured or killed  
15 by the mob.

16 Section 7. Order to include amount of judgment.

17 When a recovery is had pursuant to sections 3 through 6, the  
18 court shall include as a part of its judgment an order requiring  
19 the board of county commissioners or council of a city of the  
20 first class to include the amount of the judgment in the next  
21 succeeding tax levy for such county or city of the first class,  
22 respectively.

23 Section 8. County's right of action against member of mob.

24 The county, in which a lynching occurs, may recover from any  
25 of the persons composing a mob the amount of a judgment and  
26 costs rendered against it, under this act, in favor of the legal  
27 representatives of a person killed or seriously injured by the  
28 mob. A person present, with hostile intent, at a lynching is a  
29 member of the mob and is liable under this section.

30 Section 9. County's right of action against another county.

1        If a mob carries a prisoner into another county, or comes  
2        from another county to commit violence on a prisoner brought  
3        from the county for safekeeping, the county in which the  
4        lynching is committed may recover the amount of the judgment and  
5        costs, rendered against it under this act, from the county from  
6        which the mob came, unless there was contributory negligence on  
7        the part of officials of the county bringing the action in  
8        failing to protect the prisoner or to disperse the mob.

9        Section 10.   Limitations of action.

10       Actions for the recoveries provided in this act must be  
11       commenced, within two years from the date of the lynching, in  
12       any court having original jurisdiction of an action for damages  
13       for malicious assault.

14       Section 11.   Person concerned in lynching not immune from  
15                       prosecution.

16       The provisions of this act shall not relieve a person  
17       concerned in the lynching from prosecution for homicide or  
18       assault for engaging therein.

19       Section 12.   Effective date.

20       This act shall take effect immediately.