

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 701 Session of
1995

INTRODUCED BY HECKLER, DAWIDA, BRIGHTBILL, STEWART, AFFLERBACH,
JONES, FUMO, SCHWARTZ, TARTAGLIONE, HUGHES AND WILLIAMS,
MARCH 7, 1995

REFERRED TO JUDICIARY, MARCH 7, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further defining the offense of ethnic
3 intimidation to include sexual orientation; and changing the
4 designation of the offense.

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

7 Section 1. Section 2710 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 2710. Ethnic intimidation and other bias-related offenses.

10 (a) Offense defined.--A person commits [the offense of
11 ethnic intimidation] an offense under this section if, with
12 malicious intention toward the actual or perceived race, color,
13 religion [or], national origin or sexual orientation of another
14 individual or group of individuals, he commits an offense under
15 any other provision of this article or under Chapter 33
16 (relating to arson, criminal mischief and other property
17 destruction) exclusive of section 3307 (relating to
18 institutional vandalism) or under section 3503 (relating to

1 criminal trespass) or under section 5504 (relating to harassment
2 by communication or address) with respect to such individual or
3 his or her property or with respect to one or more members of
4 such group or to their property.

5 (b) Grading.--An offense under this section shall be
6 classified as a misdemeanor of the third degree if the other
7 offense is classified as a summary offense. Otherwise, an
8 offense under this section shall be classified one degree higher
9 in the classification specified in section 106 (relating to
10 classes of offenses) than the classification of the other
11 offense.

12 (c) Definition.--As used in this section, ["malicious
13 intention" means the] the following words and phrases shall have
14 the meanings given to them in this subsection:

15 "Malicious intention." The intention to commit any act, the
16 commission of which is a necessary element of any offense
17 referred to in subsection (a) motivated by hatred toward the
18 race, color, religion [or], national origin or sexual
19 orientation of another individual or group of individuals.

20 "Sexual orientation." Heterosexuality, homosexuality or
21 bisexuality.

22 Section 2. This act shall take effect in 60 days.