

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1583 Session of
1998

INTRODUCED BY WAGNER, BODACK, TARTAGLIONE, AFFLERBACH,
STAPLETON, HUGHES, COSTA, WILLIAMS, SCHWARTZ, MUSTO, KITCHEN,
STOUT AND MELLOW, NOVEMBER 10, 1998

REFERRED TO JUDICIARY, NOVEMBER 10, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for ethnic
3 intimidation.

4 The General Assembly finds and declares as follows:

5 (1) Bias-motivated conduct inflicts greater individual
6 and societal harm than conduct which does not have bias as at
7 least one of the motivating factors for the violent conduct.

8 (2) Bias-motivated crime inflicts distinct emotional
9 harm on a victim and frequently on other members of the
10 victim's group.

11 (3) Bias-motivated crime is more likely to provoke
12 retaliatory crimes than other forms of violent conduct.

13 (4) Bias-motivated conduct tends to incite community
14 unrest.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

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

1 § 2710. Ethnic intimidation and other bias-related
2 intimidation.

3 (a) Offense defined.--A person commits the offense of ethnic
4 intimidation and other bias-related intimidation under this
5 section if [, with] malicious intention toward the actual or
6 perceived race, color, religion, [or] national origin,
7 disability, ancestry, gender or sexual orientation of another
8 individual or group of individuals[, he commits an offense under
9 any other provision of this article or under Chapter 33
10 (relating to arson, criminal mischief and other property
11 destruction) exclusive of section 3307 (relating to
12 institutional vandalism) or under section 3503 (relating to
13 criminal trespass) or under section 5504 (relating to harassment
14 by communication or address) with respect to such individual or
15 his or her property or with respect to one or more members of
16 such group or to their property.] is a contributing factor in
17 the commission of an offense under any of the following:

18 (1) Article B (relating to offenses involving danger to
19 the person).

20 (2) Chapter 33 (relating to arson, criminal mischief and
21 other property destruction) exclusive of an offense under
22 section 3307 (relating to institutional vandalism).

23 (3) Section 3502 (relating to burglary).

24 (4) Section 3503 (relating to criminal trespass).

25 (5) Chapter 39 (relating to theft and related offenses).

26 (6) Section 4952 (relating to intimidation of witnesses
27 or victims).

28 (7) Chapter 55 (relating to riot, disorderly conduct and
29 related offenses) with respect to an individual or his or her
30 property or with respect to one or more members of a group or

1 to their property or with respect to any individual because
2 of any involvement, connection or association with an
3 individual or groups of individuals.

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

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

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

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

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