

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 395 Session of 2009

INTRODUCED BY FERLO, WASHINGTON, WILLIAMS, STACK, TARTAGLIONE,  
FONTANA, O'PAKE, STOUT AND BROWNE, FEBRUARY 20, 2009

REFERRED TO JUDICIARY, FEBRUARY 20, 2009

AN ACT

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

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

6 Section 1. Section 2710(a) and (c) of Title 18 of the  
7 Pennsylvania Consolidated Statutes, amended by the act of  
8 December 3, 2002 (P.L.1176, No.143), declared unconstitutional,  
9 936 A.2d 188 (Pa. Commonwealth 2007), affirmed, No.112 MAP 2007  
10 (Pa. 2008), are amended to read:

11 § 2710. Ethnic intimidation.

12 (a) Offense defined.--A person commits the offense of ethnic  
13 intimidation if, with malicious intention toward the actual or  
14 perceived race, color, religion [or], national origin, ancestry,  
15 mental or physical disability, sexual orientation, gender or  
16 gender identity of another individual or group of individuals,  
17 he commits an offense under any other provision of this article  
18 or under Chapter 33 (relating to arson, criminal mischief and

1 other property destruction) exclusive of section 3307 (relating  
2 to institutional vandalism) or under section 3503 (relating to  
3 criminal trespass) with respect to such individual or his or her  
4 property or with respect to one or more members of such group or  
5 to their property.

6 \* \* \*

7 (c) Definition.--As used in this section "malicious  
8 intention" means the intention to commit any act, the commission  
9 of which is a necessary element of any offense referred to in  
10 subsection (a) motivated by hatred toward the actual or  
11 perceived race, color, religion [or], national origin, ancestry,  
12 mental or physical disability, sexual orientation, gender or  
13 gender identity of another individual or group of individuals.

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