

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1655

Session of
1989

INTRODUCED BY JOSEPHS, RITTER, BISHOP, ROEBUCK, KUKOVICH, ITKIN,
LEVDANSKY, MICHLOVIC, HECKLER, FOX, COHEN, VEON, PISTELLA,
PRESTON, RICHARDSON, CORNELL, HAYDEN, R. C. WRIGHT, DeWEESE,
EVANS, MORRIS, LINTON, BORTNER, NAHILL, PRESSMANN, McHALE,
FREEMAN, TRICH, HARPER, CARN, WAMBACH, JAMES, WILLIAMS,
ACOSTA, THOMAS, HUGHES AND MURPHY, JUNE 6, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 26, 1990

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[.]} Bias related offenses. AND~~ <—

10 OTHER BIAS-RELATED OFFENSES.

11 (a) Offense defined.--A person commits [the offense of
12 ethnic intimidation] ~~a bias related offense~~ AN OFFENSE UNDER <—
13 THIS SECTION if, with malicious intention toward the race,
14 color, religion [or], national origin or sexual orientation of
15 another individual or group of individuals, he commits an
16 offense under any other provision of this article or under

1 Chapter 33 (relating to arson, criminal mischief and other
2 property destruction) exclusive of section 3307 (relating to
3 institutional vandalism) or under section 3503 (relating to
4 criminal trespass) or under section 5504 (relating to harassment
5 by communication or address) with respect to such individual or
6 his or her property or with respect to one or more members of
7 such group or to their property.

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

15 (c) Definition.--As used in this section, ["malicious
16 intention" means the] THE FOLLOWING WORDS AND PHRASES SHALL HAVE
17 THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

18 "MALICIOUS INTENTION." THE intention to commit any act, the
19 commission of which is a necessary element of any offense
20 referred to in subsection (a) motivated by hatred toward the
21 race, color, religion [or], national origin or sexual
22 orientation of another individual or group of individuals.

23 "SEXUAL ORIENTATION." CONSENSUAL HOMOSEXUALITY OR
24 HETEROSEXUALITY.

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