

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2284 Session of  
1990

INTRODUCED BY ITKIN, HAGARTY, PRESTON, ROBINSON, JOSEPHS, EVANS,  
FOX, CALTAGIRONE, BLAUM, KOSINSKI, HAYDEN, VEON,  
R. C. WRIGHT, HECKLER, KUKOVICH, BATTISTO, JOHNSON, LEE,  
BELARDI, NAHILL, MICHLOVIC, BUNT, BELFANTI, GIGLIOTTI,  
FREEMAN, E. Z. TAYLOR, RYBAK, PISTELLA, LINTON, STISH,  
LEVDANSKY, MORRIS, TANGRETTI, SAURMAN, MELIO, OLIVER,  
ROEBUCK, WILLIAMS AND J. L. WRIGHT, FEBRUARY 7, 1990

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 1990

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing redress for  
3 civil rights violations.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 8308. Civil rights violations.

9 (a) Redress for personal injury.--A person who incurs injury  
10 to his person or damage or loss to his property as a result of  
11 conduct described in 18 Pa.C.S. § 2710 (relating to ethnic  
12 intimidation) or 3307 (relating to institutional vandalism)  
13 shall have a right of action against the actor for injunction,  
14 damages or other appropriate civil or equitable relief. In the  
15 action, the issue of whether the defendant engaged in the  
16 conduct alleged shall be determined according to the burden of

1 proof used in other civil actions for similar relief. The  
2 plaintiff may seek recovery for any of the following:

3 (1) General and special damages including damages for  
4 emotional distress. Damages under this subsection shall be  
5 actual damages or \$500, whichever is greater.

6 (2) Punitive damages.

7 (3) Reasonable attorney fees and costs.

8 (4) Injunctive and other equitable relief.

9 (5) Such other relief which the court deems necessary  
10 and proper.

11 (b) Redress sought by public official on behalf of others.--

12 When the rights of a citizen are violated as a result of conduct  
13 described in 18 Pa.C.S. § 2710 or 3307, the district attorney of  
14 the county in which the violation took place or the Attorney  
15 General, after consulting with the district attorney, may  
16 institute a civil action for injunctive or other appropriate  
17 equitable relief in order to protect the peaceable exercise or  
18 enjoyment of these rights. The civil action shall be brought in  
19 the name of the Commonwealth of Pennsylvania in the county where  
20 the violation occurred.

21 (c) Filing of court orders.--The prothonotary of the court  
22 in which a civil action is brought under subsection (a) or (b)  
23 shall transmit two certified copies of an order issued in the  
24 action to each appropriate law enforcement agency having  
25 jurisdiction over locations where the defendant is alleged to  
26 have committed the act and where the defendant resides or has  
27 his principal place of business. The sheriff of the county in  
28 which the defendant resides shall serve a copy of the order on  
29 the defendant. Unless otherwise ordered by the court, service  
30 shall be by delivering a copy in hand to the defendant. Law

1 enforcement agencies shall establish procedures adequate to  
2 ensure that all officers responsible for the enforcement of the  
3 order are informed of its existence and terms. When a law  
4 enforcement officer has probable cause to believe that a  
5 defendant has violated the provisions of this section, the  
6 officer may arrest him.

7 (d) Contempt notice required to be part of order.--In  
8 actions brought under this section, when a court issues a  
9 temporary restraining order or a preliminary or permanent  
10 injunction ordering a defendant to refrain from certain conduct  
11 or activities, the order issued shall contain the following  
12 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

13 (e) Penalties.--A violation of an order issued and served as  
14 set forth in this section shall be a misdemeanor of the second  
15 degree. If bodily injury results from the violation, the  
16 violation shall be a misdemeanor of the first degree.

17 (f) Vacated orders.--When the court vacates a temporary  
18 restraining order or a preliminary or permanent injunction  
19 issued under this section, the prothonotary shall promptly  
20 notify in writing each appropriate law enforcement agency which  
21 had been notified of the issuance of the order and shall direct  
22 each such agency to destroy all records of the order, and the  
23 agency shall comply with the directive upon receipt of the  
24 notification.

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