

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2064 Session of
1993

INTRODUCED BY DENT, ULIANA, NYCE, GORDNER, MASLAND, LINTON,
SAURMAN, FLEAGLE, ALLEN, TRELLO, DeLUCA, BISHOP, McGEEHAN,
STURLA, ARGALL, M. N. WRIGHT, LAUB, TRICH, MELIO, ROEBUCK,
CORNELL, SERAFINI, TRUE, GERLACH, E. Z. TAYLOR, TOMLINSON,
HUGHES AND WILLIAMS, OCTOBER 4, 1993

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 4, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the use of masks, hoods or
3 other devices which conceal the identity of the wearer.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5516. Concealment devices prohibited.

9 (a) Offenses prohibited.--A person commits a misdemeanor of
10 the third degree when:

11 (1) that person wears a mask, hood or device by which
12 any portion of the face is so hidden, concealed or covered as
13 to conceal the identity of the wearer;

14 (2) that person is upon any public way or public
15 property or upon the private property of another without the
16 written permission of the owner or occupier of the property
17 to do so; and

1 (3) that person knows or should know that the conduct
2 described in paragraph (1) provides a reasonable fear of
3 intimidation or threat of violence.

4 (b) Exception.--This section shall not apply to:

5 (1) a person wearing a traditional holiday costume on
6 the occasion of the holiday;

7 (2) a person lawfully engaged in trade and employment or
8 in a sporting activity where a mask is worn for the purpose
9 of ensuring the physical safety of the wearer, or because of
10 the nature of the occupation, trade or profession or sporting
11 activity;

12 (3) a person using a mask in a theatrical production,
13 including use in Mardi Gras celebrations and masquerade
14 balls; or

15 (4) a person wearing a gas mask prescribed in emergency
16 management drills and exercises or emergencies.

17 (c) Public policy.--

18 (1) All persons residing in this Commonwealth are
19 entitled to the equal protection of their lives and property.

20 (2) The law protects all, not only against actual
21 physical violence, but also against threats and intimidations
22 from any person or group of persons.

23 (3) The General Assembly cannot permit persons known or
24 unknown to issue either actual or implied threats against
25 other persons in this Commonwealth.

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